



KENSINGTON FIRE PROTECTION DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
AGENDA
Wednesday, August 12, 2020 7:00pm
Via Zoom Teleconference

Due to COVID-19, and in accordance with California Executive Orders N-25-20 and N-29-20, the District Board meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting by accessing <https://zoom.us/j/98735271685> (on the day and time of the meeting) and may provide public comment by sending comments to the Board President and Board Clerk via email at public.comment@kensingtonfire.org. Comments will then be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Chair's discretion.

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Oral communications will be taken on each agenda item. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President before or during its consideration, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit (California Government Code section 54954.3(a)).

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1. CALL TO ORDER/ROLL CALL

President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel

- 2. ORAL COMMUNICATIONS.** This place on the agenda is reserved for comments and inquiries from citizens and Board members concerning matters that do not otherwise appear on the agenda. Speakers shall be requested to provide their names and addresses prior to giving public comments or making inquiries.

- 3. ADOPTION OF CONSENT ITEMS.** Items 3.1 – 3.6 listed below are consent items, which are considered to be routine by the Board of Directors and will be enacted by one motion. The Board of Directors has received and considered reports and recommendations prior to assigning consent item designations to the various items. Copies of the reports are on file

in the Fire Protection District Administrative Office at 217 Arlington Avenue and are available to the public. The disposition of the item is indicated. There will be no separate discussion of consent items. If discussion is requested for an item, that item will be removed from the list of consent items and considered separately on the agenda.

- 3.1. **Approval of Minutes** of the regular meetings of May 13, June 10, (*revised-Item 4.10 discussion/action updated for specifics*), July 8, 2020 and special meeting of June 26, 2020 (supporting material) (ACTION)
- 3.2. **Acceptance of Incident Activity Report July 2020** (ACCEPT)
- 3.3. **Approval of Monthly Financial Report July 2020** (APPROVE)
- 3.4. **Approval of Monthly Transmittal July 2020** (APPROVE)
- 3.5. **Authorize the Interim General Manager to Pay Recurring Bills and Provide Monthly Report to the Board of Directors** (ACTION) (supporting material)
- 3.6. **Adoption of Resolution 20-11 Approving Amendments to Policy 1150 Budget Preparation and Review** (ACTION) (Second Reading) (supporting material)
4. **ADMINISTRATIVE ITEMS**
 - 4.1. **Status Report on Permanent GM Recruiting Efforts by Brent Ives/BHI** (ACCEPT) (supporting material)
 - 4.2. **Review Letter from RGS in Response to Payment Dispute and Determine Action** (ACTION) (supporting material)
 - 4.3. **Proposed Amendment to Policy 170 Discrimination, Harassment and Retaliation Prevention** (First Reading) (supporting material)
 - 4.4. **Proposed Amendment to Policy 180 Complaint and Investigation Procedures** (First Reading) (supporting material)
 - 4.5. **Proposed New Policy 185 Training Requirements** (First Reading) (supporting material)
 - 4.6. **Proposed Amendment to Policy 1020 Code of Conduct** (First Reading) (supporting material)
 - 4.7. **Approve Staffing Plan to Hire Administrative Support and Finance Positions** (ACTION) (supporting material)
 - 4.8. **Proposed Amendment to Policy 8 Checking Account** (ACTION) (supporting material)
 - 4.9. **Public Safety Building Renovation Update and Decision Process for KPPCSD Occupancy** (ACTION) (supporting material)

- 4.10. Authorize Interim General Manager to Negotiate a Lease for Office Space**
(ACTION) (supporting material)
- 5. President's Report** (supporting material)
 - **Sunsetting of Temporary Advisory Committees**
 - **On the horizon: Review of the Emergency Preparedness Committee**
- 6. Interim General Manager's Report**
 - 6.1. Shredding Event – Potential Postponement to Spring** (verbal)
 - 6.2. Action Plan Update** (supporting material)
- 7. Fire Chief's Report** (supporting material)
- 8. Board Reports**

Informational reports from Board members or staff covering the following assignments:

 - a. Finance Committee (Stein/Dommer) (supporting material)
 - b. California Special Districts Association Representatives:
 - i. County (Nagel)
 - ii. State Professional Development and Membership Services Committees (Kosel)
- 9. Adjournment**



KENSINGTON FIRE PROTECTION DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
MINUTES

Wednesday, May 13, 2020 7:00pm
Via Zoom Teleconference

Due to COVID-19, and in accordance with California Executive Orders N-25-20 and N-29-20, the District Board meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting by accessing <https://us02web.zoom.us/j/89081925699> (on the day and time of the meeting) and may provide public comment by sending comments to the Board President and Board Clerk via email at public.comment@kensingtonfire.org. Comments will then be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Chair's discretion.

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Webinar ID: 890 8192 5699

International numbers available: <https://us02web.zoom.us/j/89081925699>

CALL TO ORDER/ROLL CALL

President Stein called the meeting to order at 7:05pm.

Present: President Stein, Directors Dommer, Kosel, Nagel, and Vice President Padian

- 1. ORAL COMMUNICATIONS.** This place on the agenda is reserved for comments and inquiries from citizens and Board members concerning matters that do not otherwise appear on the agenda. Speakers shall be requested to provide their names and addresses prior to giving public comments or making inquiries.

In a closed session Special Board meeting prior to this meeting, the Board approved the employment contract of Mary Morris-Mayorga. **Ayes:** President Stein, Vice President Padian Directors Dommer, and Nagel. **Noes:** Director Kosel

2. **ADOPTION OF CONSENT ITEMS.** Items 3-6 listed below are consent items, which are considered to be routine by the Board of Directors and will be enacted by one motion. The Board of Directors has received and considered reports and recommendations prior to assigning consent item designations to the various items. Copies of the reports are on file in the Fire Protection District Administrative Office at 217 Arlington Avenue and are available to the public. The disposition of the item is indicated. There will be no separate discussion of consent items. If discussion is requested for an item, that item will be removed from the list of consent items and considered separately on the agenda.

Moved/Seconded: Director Dommer Director Nagel **Action:** Passed a motion to approve consent items 3, 4, 6 **Ayes:** Director Stein, Director Kosel, Director Nagel, Vice President Padian **Noes:** None

3. **Approval of Minutes** Approval of the action minutes of the regular meeting of October 9, October 17, November 13, 2019 and February 12, 2020.

Action: Approved Minutes

4. **Acceptance of Incident Activity Report April 2020**

Action: Accepted Report

5. **Approval of Monthly Financial Report April 2020**

Moved/Seconded: Director Kosel Director Nagel **Action:** Pulled from consent by Director Kosel, Directors asked questions on report. Approved report. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel **Noes:** None

6. **Approval of Monthly Transmittal April 2020**

Action: Approved Transmittal

7. **Adoption of Resolution 20-02 Establishing Expectations for Interim General Manager**

Moved/Seconded: Director Nagel Director Dommer **Action:** Adopted Resolution 20-02 **Ayes:** President Stein, Directors Dommer, Kosel, and Nagel, Vice President Padian **Noes:** None

8. **Adoption of Resolution 20-03 Ratifying Employment Agreement for Interim General Manager**

Discussion: There was discussion regarding the verbiage of 30 hours or 20 hours up to a maximum of 30 hours specified in the contract. **Moved/Seconded:** Vice President Padian Director Nagel **Action:** Adopted Resolution 20-03 **Ayes:** President Stein, Vice President Padian, Directors Dommer and Nagel, **Noes:** Director Kosel

9. **Authorization of Board President to Terminate Consultant Agreement Dated May 6, 2020 with consent by Mary Morris-Mayorga**

Moved/Seconded: Director Nagel Vice President Padian **Action:** Authorized President Julie Stein to terminate consultant agreement dated May 6th, 2020 with consent by Mary Morris-Mayorga **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

10. **Report from BHI Management Consulting on the Search for a Permanent General Manager**

Brent Ives has asked for more clarification for salary and hours required for Permanent General Manager. There will be a 60 day recruitment period before interviews.

- 11. Adoption of Resolution Approving Amendments to Policy 1070.11-12 Regarding the Role of the President and Addition of Section 1190 General Manager**
Discussion: This policy would vest the General Manager as the chief administrative officer to empower and speak for the organization. **Moved/Seconded:** Director Nagel Vice President Padian **Action:** Adopted Resolution Approving Amendments to Policy 1070.11-12 Regarding the Role of the President and Addition of Section 1190 General Manager
Ayes: President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel,
Noes: None
- 12. Regional Government Services Invoice, Transmittal Request, and Supporting Report**
Discussion: Board members gave feedback on concerns on the much higher expenses than in previous years that RGS has invoiced. There are errors on the invoices monthly and President Stein is spending many hours to dispute. The contract through August had a maximum of \$248,000 and in April \$215,000 has been spent. Mary has been tasked with looking at the RSG invoices, working to transition work from RGS and will give an update on next steps. **Moved/Seconded:** Director Kosel Director Nagel **Action:** Motion to postpone payment of RGS March invoice until Mary can review and recommend action
Ayes: President Stein, Vice President Padian, Directors, Kosel and Nagel (Dommer absent) **Noes:** None
- 13. Review and Discussion of Budget Development Guiding Principles**
Mary Morris-Mayorga recommended practices, strategic plans, and a long term financial plan. This will be presented with the Budget for approval in June and final adoption in September.
- 14. Authorization of the Board President to Sign a Letter of Intent to Lease Office Space at 289-291 Arlington**
Discussion: There has been no discussion with the full Kensington Fire District Board on this topic and questions such as who will occupy the building and communication will be needed with both districts prior to addressing this agenda item. **Moved/Seconded:** Director Nagel Director Kosel **Action:** Motion to postpone indefinitely until the full board can review all options for renovation and more discussion on the financial responsibility for renovation between the two districts **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None
- 15. Review of Policy to Replace the Existing Board Policy 1020 Code of Conduct**
Moved/Seconded: Vice President Padian Director Dommer **Action:** Motion to postpone policy and request that the Code of Conduct be presented in proper form. **Ayes:** President Stein, Vice President Padian, Directors Dommer **Noes:** Directors Kosel and Nagel
- 16. President's Report**
RGS has sent a letter to terminate their contract on June 4th. President Stein has shared the letter with the Board and the Interim General Manager Mary Morris-Mayorga.
- 17. Fire Chief's Report**
There is concern on the reduction of phone and engine calls through the county by fifty percent due to fear of contracting the COVID 19 virus. There was a full search and rescue

of a missing person on Grizzly Peak and the drone was deployed. Fortunately, the person was located. This was a good collaboration with the police department. We are medically screening our employees for the virus – taking temperature and documenting all people who are in contact with our personnel. Hiring is on hold due to Corona Virus. There will be complaints on second growth of grass and asking residences to take care of their properties.

18. Board Reports

- a. 2x2 Committee
Don is researching if an elevator is needed in the new building. The board needs to hear feedback from Chief Pagoni on the options for the new building.
- b. Anti-harassment Policy
Director Kosel believes the policy will be ready at the next meeting.
- c. Building Committee
- d. Finance Committee
- e. Emergency Preparedness Committee
Director Nagel has positive feedback on the traffic study.
- f. Informational Technology Committee
Email is switching over this week.
- g. California Special Districts Association Representatives:
 - a) County (Nagel)
 - b) State Professional Development and Membership Services Committees (Kosel)

Adjournment 10:00pm



KENSINGTON FIRE PROTECTION DISTRICT REGULAR MEETING OF THE BOARD OF DIRECTORS MINUTES

Wednesday, June 10, 2020 7:00pm
Via Zoom Teleconference

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Webinar ID: 913 6808 9032

International numbers available: <https://zoom.us/u/abp4vwVO7D>

1. CALL TO ORDER/ROLL CALL

President Stein called the meeting to order at 7:02pm.

Present (Via Teleconference: President Stein, Vice President Padian, Directors Kosel and Nagel. Director Dommer arrived at 7:31 pm.

- ### 2. ORAL COMMUNICATIONS.
- This place on the agenda is reserved for comments and inquiries from citizens and Board members concerning matters that do not otherwise appear on the agenda. Speakers shall be requested to provide their names and addresses prior to giving public comments or making inquiries.

Director Kosel shared that La Morinda CERT Fire is offering water drums/fire extinguishers at cost. These items need to be ordered online by 6/18/20. Director Nagel stated that we

are in the middle of fire season and need to motivate the public. Director Padian would like announcements added to the website.

- 3. ADOPTION OF CONSENT ITEMS.** Items 3.1 - 3.6 listed below are consent items, which are considered to be routine by the Board of Directors and will be enacted by one motion. The Board of Directors has received and considered reports and recommendations prior to assigning consent item designations to the various items. Copies of the reports are on file in the Fire Protection District Administrative Office at 217 Arlington Avenue and are available to the public. The disposition of the item is indicated. There will be no separate discussion of consent items. If discussion is requested for an item, that item will be removed from the list of consent items and considered separately on the agenda.

Moved/Seconded: Director Nagel/Director Padian **Action:** Passed a motion to approve consent items 3.1, 3.2, 3.4 – 3.6. **Ayes:** President Stein, Vice President Padian, Directors Kosel and Nagel **Noes:** None

- 3.1. Approval of Minutes** of the regular meetings of March 11, and April 8, 2020 and special meetings of January 25, March 4, March 11, April 15, and May 1, 2020

Action: Approved Minutes

- 3.2. Acceptance of Incident Activity Report May 2020**

Action: Accepted Report

- 3.3. Approval of Monthly Financial Report May 2020**

Moved/Seconded: Director Kosel/Director Nagel **Action:** Removed from consent **Ayes:** President Stein, Vice President Padian, Directors Kosel and Nagel, **Noes:** None **Board Discussion:** Directors raised concerns on the accuracy of the report. **Moved/Seconded:** Director Kosel/Director Nagel **Action:** Rejected Report **Ayes:** President Stein, Directors Dommer, Kosel, and Nagel, Vice-President Padian **Noes:** None

Concerns were raised regarding the April Financial Report – a few questions/concerns the board would like address are below:

- Revenue/expenses vs. actual income received.
- Is this accrual or cash basis?
- Why is interest income so much lower for the currently year?
- Clarification of what the \$29,000 expense for medical services is.
- Is the Battalion Chief car budgeted as \$59,000 expense (should this be reclassified as an asset)?
- Outside Professional Services (RFP Consultants)

- 3.4. Approval of Monthly Transmittal May 2020**

Action: Approved Transmittal

3.5. Approval of Resolution 20-05 Establishing the Appropriations Limit for Fiscal Year 2020-2021

Action: Approved Resolution 20-05

3.6. Approval of Resolution 20-06 Authorizing the County to Place the District's Special Tax on the Tax Roll and to Collect the Special Tax for Fiscal Year 2020-2021

Action: Approved Resolution 20-06

4. ADMINISTRATIVE ITEMS

4.1. Fire Services Contract Fee Proposal for Fiscal Year 2020-2021

Motion/Seconded: Director Kosel/Director Nagel **Action:** Accepted Fee Proposal
Ayes: President Stein, Directors Dommer, Kosel, and Nagel, Vice-President Padian
Noes: None

Fire Chief Pignoi presented the proposal. Reconciliation from 2018-2019 fiscal year was \$289,193.75. Three retirements unforeseen increased this reconciliation amount. Currently preliminary budget is \$3,518,174 including the reconciliation for 2020-2021 fiscal year. Fire Services is attempting to limit overtime by filling vacancies with the goal of reducing overtime to \$400,000. The goal is to minimize the reconciliation with a stable budget. Salary remains flat for 2020-2021 and Kensington's 10 year contract should protect Kensington from much budget fluctuations. 2019-2020 will have a reconciliation due to one retirement and a medical leave.

4.2. Adopt Resolution 20-07 Preliminary Fiscal Year 2020-2021 Budget

Motion/Seconded: Director Kosel/Director Nagel **Action:** Approved Resolution 20-07
Ayes: President Stein, Directors Dommer, Kosel, and Nagel, Vice-President Padian
Noes: None

Recommendation for additional monies for grant writer and IT/Website items

4.3. RGS April Invoice and Contract Completion

Motion/Seconded: Director Kosel/Director Nagel **Action:** Refuse to pay RSG bill and inform RSG we are seeking legal counsel for a best approach immediately and then call a special board meeting for discussion for a responsible resolution **Ayes:** President Stein, Directors Kosel and Nagel, Vice-President Padian
Noes: Director Dommer

4.4. Accept Consultant's Recommendation to Advertise the General Manager Position as Part-Time

Board Discussion: Discussion on the percentage considered part-time to advertise.

Moved/Seconded: Vice President Padian/Director Dommer **Action:** Approve to advertise General Manager's Work Status as Part-Time up to 80% subject to policies of the board
Ayes: President Stein, Vice-President Padian, Directors Nagel and Dommer **Noes:** Director Kosel

4.5. Proposed Amendment to Policy 130 Pay Periods

Motion/Seconded: Director Kosel/Vice President Padian **Action:** Approve proposed amendments to Policy 130 Pay Periods and hold first reading **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

4.6 – 4.8 will be moved to a future meeting after receiving readable copies for discussion.

Board Discussion: Safe working environment is the reason for the below policies.

4.6. Proposed Amendment to Policy 170 Discrimination, Harassment and Retaliation Prevention

Board Discussion: Much time and research was done by attorney.
Action: No action

4.7. Proposed Amendment to Policy 180 Complaint and Investigation Procedures

Board Discussion: Board requests better copy with attorney present for questions.
Action: No action

4.8. Proposed New Policy 185 Training Requirements

Action: No action

4.9. Provide direction to the Interim General Manager to devise cost-sharing arrangements with KPPCSD for the potential renovation and report back to the Board

Moved/Seconded: Director Kosel/Director Nagel **Action:** Directed the Interim General Manager to Devise Cost-Sharing with KPPCSD Interim General Manager and Report Back
Ayes: President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel
Noes: None

Moved/Seconded: Vice President Padian/Director Dommer **Action:** Extended the meeting 15 minutes **Ayes:** President Stein, Vice President Padian, Directors Dommer and Nagel **Noes:** Director Kosel

Director Kosel left the meeting at 10:00pm

4.10. Accept the Kensington Evacuation Research Project Final Report dated January 8, 2020 and refer implementation of recommendations to the

Emergency Preparedness Committee at a cost not-to-exceed \$5,000 with report back to Board of Directors.

Board Discussion: Vice President Padian reviewed the list of current projects included in this item: Sunset View Cemetery gate; work with Officer Harms on (identification of community members to assist with access routes, directing traffic and other emergency functions; developing a series of public safety/evacuation procedures block meetings; assisting with costs for removal of bollards blocking access routes); and work with EBMUD on potential for residents to open Summit Reservoir access road for passage of emergency vehicles, replacing/mowing tall grass in that area, and assure adequate water supply for use as a temporary refuge for people who may need shelter). He also reviewed the committee recommendations: accept the report, general findings and recommendations, and to delegate exploration to the EPC; implement recommendations where feasible or low/no cost; and report back to the Board on research/implementation issues, policy direction, and budgetary issues. **Public Comment:** Very strong direction for this project and hope the momentum can continue. Great cooperation from Fire and Police Board and we hope we can continue this positive partnership.

Moved/Seconded: Director Nagel/Vice President Padian **Action:** Accept the Recommendation of the Emergency Preparedness Committee to Spend an Amount Not-to-Exceed \$5,000 on Improvements as Recommended by the Traffic Study (2:57) **Ayes:** President Stein, Vice President Padian, Directors Dommer and Nagel **Noes:** None

5. President's Report

None

6. Fire Chief's Report

Happy with the Kensington Evacuation Research Project Final Report and all the positive work done.

Moved/Seconded: Vice President Padian/Director Dommer **Action:** Extended the meeting 10 minutes **Ayes:** President Stein, Director Dommer, Director Padian, Director Nagel **Noes:** None

7. Interim General Manager's Report

7.1. KPPCSD Lease

IGM Morris-Mayorga reported that legal counsel drafted the lease extension and it has been provided to Bill Lyndsay/IGM, KPPCSD.

8. Board Reports

None

9. Adjournment

Moved/Seconded: Vice President Padian/President Stein **Action:** Adjourned the meeting at 10:17pm **Ayes:** President Stein, Vice President Padian, Directors Dommer and Nagel **Noes:** None



KENSINGTON FIRE PROTECTION DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
MINUTES

Wednesday, July 8, 2020 7:00pm
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1. CALL TO ORDER/ROLL CALL

President Stein called the meeting to order at 7:10 pm.

Present: President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel

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Moved/Seconded: Director Nagel/Director Padian **Action:** Passed a motion to approve consent items 3.1 -3.4 with the exception of removing the June 26th, 2020 minutes which were inadvertently not posted. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

3.1. Approval of Minutes of the regular meetings of March 11, and June 10, 2020 and special meetings of May 27, and June 3, 2020.

Action: Approved Minutes

3.2. Acceptance of Incident Activity Report June 2020

Action: Accepted Report

3.3. Approval of Monthly Financial Report June 2020

Action: Approved Report

3.4. Approval of Monthly Transmittal June 2020

Action: Approved Transmittal

4. PUBLIC HEARING

4.1. Fire Hazard Abatement Hearing on the designation of properties containing fire hazards.

Motion/Seconded: Director Kosel/Director Nagel **Action:** Adopted Resolution 20-09 Declaring that Weeds, Rubbish, Litter or other Flammable Material on Designated Private Properties Constitutes a Public Nuisance and Providing for Notice that the Fire Chief or Designee Shall Abate Such Public Nuisance Conditions if not Abated by the Property Owner. **Ayes:** President Stein, Directors Dommer, Kosel, and Nagel, Vice-President Padian **Noes:** None **Motion Approved**

President Stein asked those on the Zoom conference call prior to the beginning of the public hearing if anyone has objections to the designation of their property as containing fire hazards to identify their property addresses. President Stein opened the public hearing and called for the staff report and recommendation. Twenty-one properties were identified as designated fire hazards. This is greatly reduced from last year in which the number of properties was 299. Thank you to the community for their commitment to fire safety. Of the twenty-one identified as fire hazards, four made no attempt at communication and seventeen contacted the Kensington Fire Department to guarantee completion before the second deadline date.

5. ADMINISTRATIVE ITEMS

5.1. Regional Government Services Invoices for May and June

Discussion: Interim General Manager Mary Morris-Mayorga has sent a letter disputing the April charges. RGS is in the progress of reviewing and responding to

the complaint at a future date. The May invoice is for approximately \$15,000 and the June invoice is \$1,300. President Stein has concerns with John Murcurial and Glen Lazarus charges for May. Director Nagel questions the high rates charged for tasks such as reviewing and answering emails and believes this is in contradiction of their contract to hire supporting roles at an appropriate wage. President Stein feels we should pay 49.5% of the May invoice, paying specific employees charges which seem reasonable. Director Nagel recommends that we pay nothing until response, but would support President Stein's 49.5% payment. Director Dommer supports paying 49.5% and Director Kosel recommends non payment.

Moved/Seconded: Vice President Padian/Director Dommer **Action:** Approved Payment of the June invoice in the amount of \$1,361.25 **Ayes:** President Stein, Vice-President Padian, Directors Nagel and Dommer **Noes:** Directors Kosel and Nagel. **Motion Approved**

Moved/Seconded: Director Nagel/Vice President Padian **Action:** Direct Interim General Manager Mary Morris-Mayorga to send another letter to RGS to explain why the May invoice is not being paid. **Ayes:** Directors Kosel and Nagel **Noes:** President Stein, Vice President Padian and Director Dommer. **Motion Failed**

Moved/Seconded: Vice President Padian/Director Dommer **Action:** Pay 49.1% of the May invoice and direct Interim General Manager Mary Morris-Mayorga to send a letter disputing the remaining balance. **Ayes:** President Stein, Vice President Padian and Director Dommer **Noes:** Directors Kosel and Nagel. **Motion Approved**

5.2. Volunteer Resident Appointment to the Emergency Preparedness Committee

Discussion: Director Nagel nominated Danielle Madugo: she volunteered to fill a vacancy and is an excellent choice; she has a strong background in seismology and geology. President Stein would like to recommend Danielle Madugo to the Emergency Preparedness Committee.

Motion/Seconded: Vice President Padian/Director Nagel **Action:** Approve and appoint Danielle Madugo to the Emergency Preparedness Committee **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.3. Adoption of Resolution 20-10 Approving Amendments to Policy 130 Pay Periods

Motion/Seconded: Director Nagel/Director Kosel **Action:** Adopt Resolution 20-10 Approving Amendments to Policy 130 Pay Periods **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.4. Proposed Amendment to Policy 1150 Budget Preparation and Review

Action: Approved and Held First Reading of Proposed Amendment to Policy 1150 Budget Preparation and Review **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.5. Final Payment for Fire Apparatus Purchase Authorized in September 2018

Discussion: Chief Pagoni believes then Fire Apparatus will be here shortly and needs a final payment which will not exceed approved original amount of \$360,000 for Type 3 Engine.

Moved/Seconded: Director Kosel/Director Nagel **Action:** Authorize payment of Type 3 Engine upon delivery to the station not to exceed the originally approved \$360,000 **Ayes:** President Stein, Vice President Padian and Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.6. Sale or Surplus of Replaced Fire Apparatus

Discussion: Chief Pagoni is working with a vendor on resale of the replaced fire apparatus to establish appraised value. Once the new apparatus is received, fire agencies will be contacted who have inquired about this apparatus. The funds from sale will be placed into to Capital Replacement Fund.

Moved/Seconded: Director Nagel Director Kosel **Action:** Authorized sale or surplus of replaced fire apparatus when new apparatus is received **Ayes:** President Stein, Vice President Padian and Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.7. Public Safety Building Renovation County Evaluation Estimated Cost

Public comment: Thanked the Board for moving this renovation project forward

Moved/Seconded: Director Kosel/Director Dommer **Action:** Authorization to pay 50% of the County Evaluation Estimated Cost of \$28,000 with KPPCSD paying 50% of the cost. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

5.8. Proposed Letter to CCC Fire Chief Re: Cameras on Vollmer Peak

Discussion: Kensington residents would like Kensington Fire District to write a letter to the Contra Costa County Fire Chief to offer assistance in monitoring the two cameras on Vollmer Peak and a neighborhood watch.

Moved/Seconded: Director Nagel/Vice President Padian **Action:** Authorize President Stein and Chief Pagoni to send a letter to the Contra Costa Fire Chief, modifying the letter content agreed upon at the meeting. **Ayes:** President Stein, Vice President Padian, and Director Nagel **Noes:** Director Kosel (Director Dommer absent for vote) **Motion Approved**

5.9. Presentation by ZoneHaven on Proposed Evacuation Tool Subscription Service

Discussion: Presentation in board packet did not have the contract, but it is posted on the website. This is an evacuation alert process with a three-year subscription with a payment of \$7,000/year. Vice President Padian would like legal to review the contract and meet again with questions. Contra Costa County may fund the entire project in the future. It would be good to share all the information on the District website regarding the webinar prior to making a decision.

Presentation: Charlie Crocker presented that Zonehaven has data inputted for an evacuation plan, public can see zones and routes for access during an emergency (prepare and plan for evacuation). Training helps run fire and perimeter models for multi-hazard emergencies. Zonehaven gives recommendations for each scenario. Also, there is an alert method to zone populations. Zonehaven uses an Amazon webservice platform and will contact Contra Costa County to send an alert to specific zones. Zonehaven also works with Waze to change routes for the public and is able to close zones; it is built with senior developers. In summary, this evacuation tool is to prepare, train and then execute for a disaster. Board discussed talking to El Cerrito about combining this service for both agencies for cost saving. Vice

President Padian would like to see the Polygon study and paperwork when this was initially authorized.

Moved/Seconded: Director Kosel/Director Nagel **Action:** Motion to authorize Mary Morris-Mayorga to work with Chief Pagoni and Charlie Crawford to come up with a more specific cost proposal uniting El Cerrito and Kensington on the Zonehaven project **Ayes:** President Stein, Directors, Kosel and Nagel **Noes:** Vice President Padian and Director Dommer **Motion Approved**

6. President's Report

6.1. President Stein would like the District to define the roles and responsibilities of Board Committees versus those of the Chief Executive Officer, General Manager.

7. Interim General Manager's Report

7.1. Public Safety Building Renovation Update

RDC is scheduling a meeting with Contra Costa County within one week. After this meeting, the plan is: discussion of design, feasibility and the need to define the participation of KPPCSD within 30 – 60 days; bids, timing, change orders and financing will need to be organized; temporary space is needed and project management of renovation will be determined. In a previous board meeting, RDC was authorized by the Board to give a cost estimate for relocation which has not been received as of present.

7.2. Action Plan Update

These action plan goals are directly from the Interim General Manager expectations and are updated each month. The Anti Harrassment Policies will be provided to the Board for feedback.

KPPD Lease is signed, IGM Morris-Mayorga will follow-up on receipt of final copy.

8. Fire Chief's Report

Thirty-two calls received this month, this is an increase of one. Crews responded to fifty calls which was an increase of six. One of the calls was a fall in a creek and needed a rope rescue which was successful. Kensington Fire personnel are screening for COVID; eye and respiratory protection is essential in protecting against COVID. There were no July 4th fires in Kensington, but personnel assisted in areas which were busy.

Moved/Seconded: Director Nagel/Vice President Padian **Action:** Motion to extend the meeting to 10:15 pm **AYES:** President Stein, Vice President Padian and Director Nagel **Noes:** Directors Kosel and Dommer **Motion Approved**

9. Board Reports

9.1. Emergency Preparedness Committee
Committee is moving smoothly and productively.

9.2. California Special Districts Association Representatives:
There is a joint meeting with Alameda County and Contra Costa County Special Districts on Monday, July 14th at 9:00 am. There will be a number of professional development opportunities related to COVID and all webinars are free.

10. Adjournment 10:03pm



KENSINGTON FIRE PROTECTION DISTRICT SPECIAL MEETING OF THE BOARD OF DIRECTORS MINUTES

Friday, June 26, 2020 1:00 – 2:00pm
Via Zoom Teleconference

Due to COVID-19, and in accordance with California Executive Orders N-25-20 and N-29-20, the District Board meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting by accessing <https://zoom.us/j/99141769446> (on the day and time of the meeting) and may provide public comment by sending comments to the Board President and Board Clerk via email at public.comment@kensingtonfire.org. Comments will then be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Chair's discretion.

Any member of the public who needs special accommodations should email public.comment@kensingtonfire.org 48 hours prior to the meeting. This will enable the Kensington Fire Protection District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title 1).

Oral communications will be taken on each agenda item. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President before or during its consideration, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit (California Government Code section 54954.3(a)).

Please click the link below to join the webinar:

<https://zoom.us/j/99141769446>

Or iPhone one-tap :

US: +16699009128,, 99141769446# or +13462487799,, 99141769446#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626
6799 or +1 646 558 8656

Webinar ID: 991 4176 9446

International numbers available: <https://zoom.us/j/99141769446>

1. CALL TO ORDER/ROLL CALL

President Stein called the meeting to order at 1:01 pm. Present: President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel

2. Approval of Supplemental Transmittal

Moved/Seconded: Director Nagel Director Kosel **Action:** Remove RDC Invoice charges from Transmittal **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel **Noes:** None

3. Regional Government Services Payment Dispute Letter

Interim General Manager Mary Morris-Mayorga provided a copy of the letter that was sent to RGS regarding concerns with the April Invoice.

4. Adopt Resolution 20-08 Ordering the Even Year Board of Directors Election, Consolidation of Elections, and Specifications of the Election Order

Moved/Seconded: Director Kosel Director Nagel **Action:** Adopted Resolution 20-08
Ayes: President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel **Noes:** None

5. Authorize Interim General Manager to Pay Total Costs Associated with County Evaluation of Public Safety Building Renovation and Invoice KPPCSD for Fifty Percent (50%) if Needed to Continue Project

Discussion: Interim General Manager Mary Morris-Mayorga has requested an operating agreement with RDC which lists the total not-to-exceed for the County renovation evaluation; this is estimated to be \$20,000 - \$30,000 which will be shared with KPPCSD.

Moved/Seconded: Director Nagel Director Kosel **Action:** Authorize Interim General Manager Mary Morris-Mayorga to Pay Total Costs Associated with County Evaluation of Public Safety Building Renovation and Invoice KPPCSD for Fifty Percent (50%) if Needed to Continue Project **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel **Noes:** None

6. Adjournment: 1:44pm

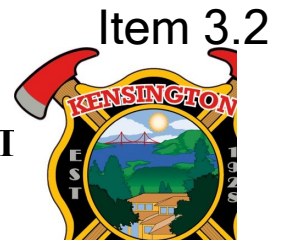


EL CERRITO-KENSINGTON FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530

(510) 215-4450 • FAX (510) 232-4917

www.el-cerrito.org



August 4, 2020

TO: Kensington Fire Protection District Board Members

FROM: Michael Pigoni: Fire Chief

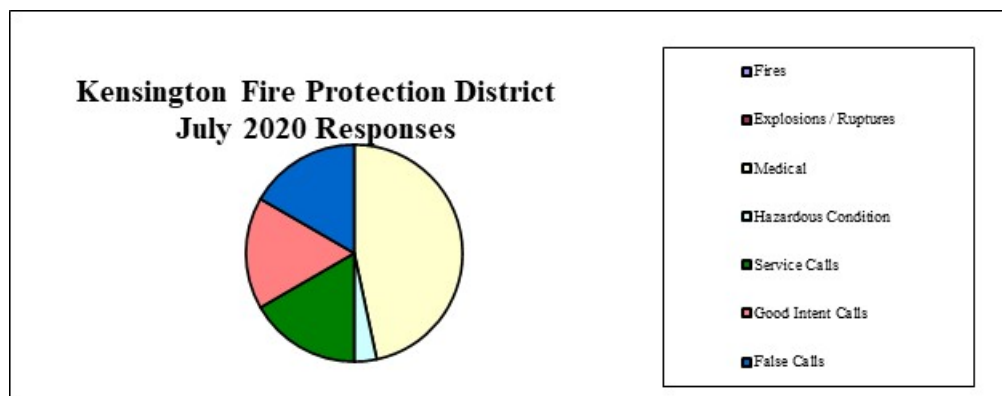
RE: **Incident Activity Reports for the Month of July 2020**

There were 31 incidents that occurred during the month of July in the community of Kensington. This is a decrease of 1 call over the previous month. Please see the attached “Incident Log” for the dates and times, locations, and incident type for these calls that the Fire Department responded to this past month. During this same time, Engine 165 responded to a total of 58 calls in all districts, an increase of 9 calls from last month.

Basically, the call volume for incidents within the community remained the same however there was a decrease in medicals emergencies and an increase in false alarms. Most of these were attributed to odor calls for smoke and an increase fire alarms that turned out to be unfounded. Engine 365 did respond to a couple of vegetation fires in the Tilden Park area as mutual aid to Moraga-Orinda Fire District. Fortunately, there were no fires or property loss within the Kensington Community.

The chart below is broken down into NFIRS incident types. The following is a list of the response types, the number of responses for each type and the percentage of the total calls for each type for all the responses in the community of Kensington.

<u>Call Type</u>		<u>Incident Count</u>	<u>Percentages</u>
Fires	<i>(Structure, Trash, Vehicles, Vegetation Fires)</i>	0	0.00%
Explosions / Ruptures	<i>(Over Pressure/Ruptures, Explosions, Bombs)</i>	0	0.00%
Medical	<i>(EMS, Vehicle Accidents, Extrication Rescue)</i>	14	46.67%
Hazardous Condition	<i>(Chemical Spills, Leaks, Down Power Lines)</i>	1	3.33%
Service Calls	<i>(Distress, Water/Smoke/Odor Problems, Public Assists)</i>	5	16.67%
Good Intent Calls	<i>(Cancelled En Route, Wrong Location)</i>	5	16.67%
False Calls	<i>(Wrong Company/Unit Dispatched)</i>	5	16.67%
Totals		30	100.00%



Kensington Fire Protection District Engine 65 Response Log for July 2020

#	Incident Number	Date & Time	Address	City	Apparatus ID	Incident Type*
1	0020066132	01-Jul-20 07:30:25	307 Rugby AVE	Kensington	E165	321
2	0020066394	01-Jul-20 22:03:05	295 Purdue AVE	Kensington	E165	5000
3	0020066552	02-Jul-20 11:07:59	1 Highgate RD	El Cerrito	E165	611
4	0020066632	02-Jul-20 14:21:02	10 Golf Course DR	Orinda	E165	322
5	0020066949	03-Jul-20 12:53:17	516 Beloit AVE	Kensington	E165	321
6	0020067420	04-Jul-20 13:08:11	2 Kenilworth CT	Kensington	E365	311
7	0020067492	04-Jul-20 15:33:49	264 Kenyon AVE	Kensington	E365	700
8	0020067642	04-Jul-20 19:16:10	10 Avon RD	Kensington	E365	5000
9	0020067903	04-Jul-20 22:01:37	421 Clayton AVE	El Cerrito	E365	611
10	0020068314	05-Jul-20 11:50:08	90 Highland BLVD	Kensington	E165	735
11	0020068827	06-Jul-20 13:54:43	936 California ST	Rodeo	E365	140
12	0020069174	07-Jul-20 05:20:11	260 Yale AVE	Kensington	E165	321
13	0020069902	08-Jul-20 21:48:30	22 Carmel AVE	El Cerrito	E165	321
14	0020070078	09-Jul-20 12:40:17	420 El Cerrito PLZ	El Cerrito	E165	611M
15	0020070136	09-Jul-20 15:13:07	285 Arlington AVE	Kensington	E165	321
16	0020070816	11-Jul-20 00:42:33	S Park DR	Orinda	E365	611F
17	0020070975	11-Jul-20 13:14:39	24 Anson WAY	Kensington	E165	321
18	0020071586	12-Jul-20 19:08:58	Central Park DR	**UNDEFINE]	E165	611M
19	0020071986	13-Jul-20 19:52:30	0-0 Lake Anza RD	Orinda	E165	611
20	0020072081	14-Jul-20 04:04:31	264 Coventry RD	Kensington	E165	321
21	0020072169	14-Jul-20 10:32:08	303 Berkeley Park BLVD	Kensington	E165	321
22	0020072458	15-Jul-20 07:21:18	665 Coventry RD	Kensington	E165	321
23	0020072498	15-Jul-20 09:34:30	Wildcat Canyon TRL	El Cerrito	E165	321
24	0020072601	15-Jul-20 13:52:10	253 Yale AVE	Kensington	E165	611F
25	0020072621	15-Jul-20 14:40:06	1011 Contra Costa DR	El Cerrito	E165	743
26	0020073154	16-Jul-20 23:59:10	281 Lexington RD	Kensington	E165	740
27	0020073398	17-Jul-20 16:53:31	22 Kerr AVE	Kensington	E165	321
28	0020073466	17-Jul-20 20:43:44	39 Norwood AVE	Kensington	E165	321
29	0020073557	18-Jul-20 05:21:05	7704 Ricardo CT	El Cerrito	E165	321

30	0020073610	18-Jul-20 10:43:50	3060 El Cerrito PLZ	El Cerrito	E165	611M
31	0020073723	18-Jul-20 17:34:06	Central Park DR	Orinda	E165	611M
32	0020073953	19-Jul-20 11:55:20	207 Colgate AVE	Kensington	E165	321
33	0020073964	19-Jul-20 13:03:32	2 Marchant CT	Kensington	E165	5000
34	0020074169	20-Jul-20 01:53:27	7504 Errol DR	El Cerrito	E165	611
35	0020074181	20-Jul-20 03:41:37	Wildcat Canyon RD	Orinda	E365	141
36	0020074265	20-Jul-20 10:13:16	8608 Don Carol DR	El Cerrito	E165	735
37	0020074324	20-Jul-20 14:04:16	18 Arlington CT	Kensington	E165	611
38	0020074456	20-Jul-20 20:44:21	Sr 24 E	Orinda	E165	611
39	0020074491	20-Jul-20 22:52:01	316 Coventry RD	Kensington	E165	611
40	0020074541	21-Jul-20 04:19:45	7564 Terrace DR	El Cerrito	E165	554
41	0020074766	21-Jul-20 18:05:13	709 Balra DR	El Cerrito	E165	744
42	0020075121	22-Jul-20 15:57:57	517 Bonnie DR	El Cerrito	E165	5000
43	0020075201	22-Jul-20 19:47:20	433 Ocean View AVE	Kensington	E165	400
44	0020075284	23-Jul-20 03:00:46	90 Highland BLVD	Kensington	E165	740
45	0020075407	23-Jul-20 12:04:04	1045 Leneve PL	El Cerrito	E165	321
46	0020075435	23-Jul-20 13:34:47	69 Stratford RD	Kensington	E165	700
47	0020075495	23-Jul-20 17:03:41	18 Arlington CT	Kensington	E165	700
48	0020075582	23-Jul-20 21:42:40	10175 San Pablo AVE	El Cerrito	E165	744
49	0020075798	24-Jul-20 12:39:34	1427 San Joaquin ST	Richmond	E165	611F
50	0020075994	24-Jul-20 22:00:15	276 Purdue AVE	Kensington	E165	321
51	0020076500	26-Jul-20 13:41:32	600 Canon DR	Kensington	E165	611
52	0020076628	26-Jul-20 20:31:59	714 Euclid AVE	Berkeley	E165	611
53	0020077187	28-Jul-20 09:39:51	6510 Gladys AVE	El Cerrito	E165	5000
54	0020077305	28-Jul-20 14:19:06	269 Colgate AVE	Kensington	E165	651
55	0020077445	28-Jul-20 19:21:35	39 Norwood AVE	Kensington	E165	550
56	0020077625	29-Jul-20 09:31:38	519 Everett ST	El Cerrito	E165	111
57	0020077923	30-Jul-20 01:03:35	145 Ardmore RD	Kensington	E165	321
58	0020078391	31-Jul-20 12:29:52	1716 Elm ST	El Cerrito	E165	520

* See Attached Table for Incident Type Explanations

Type Series

100

200

Description

(Structure, Trash, Vehicle, Vegetation Fire)

(Over Pressure/Ruptures Explosions, Bombs)

300 *(EMS, Vehicle Accidents, Extrication, Rescue)*
400 *(Chemical Spills, Leaks, Down power Lines)*
500 *(Distress, Water/ Smoke/Odor Problems, Public Assists)*
600 *(Cancelled En Route, Wrong Location)*
700 *(Wrong Company/Unit Dispatched)*

Kensington Fire Protection District Response Log for July 2020

#	Incident Number	Date & Time	Address	City	Apparatus ID	Incident Type*
1	0020066132	01-Jul-20 07:32:29	307 Rugby AVE	Kensington	E165	321
2	0020066394	01-Jul-20 22:03:05	295 Purdue AVE	Kensington	E165	5000
3	0020066949	03-Jul-20 12:54:44	516 Beloit AVE	Kensington	E165	321
4	0020067420	04-Jul-20 13:14:49	2 Kenilworth CT	Kensington	E365	311
5	0020067424	04-Jul-20 13:19:23	410 Berkeley Park BLVD	Kensington	E171	5000
6	0020067492	04-Jul-20 15:34:47	264 Kenyon AVE	Kensington	E365	700
7	0020067642	04-Jul-20 19:18:22	10 Avon RD	Kensington	E365	5000
8	0020068314	05-Jul-20 11:52:36	90 Highland BLVD	Kensington	E165	735
9	0020069174	07-Jul-20 05:22:27	260 Yale AVE	Kensington	E165	321
10	0020070136	09-Jul-20 15:13:55	285 Arlington AVE	Kensington	E165	321
11	0020070975	11-Jul-20 13:15:56	24 Anson WAY	Kensington	E165	321
12	0020072081	14-Jul-20 04:05:18	264 Coventry RD	Kensington	E165	321
13	0020072169	14-Jul-20 10:35:26	303 Berkeley Park BLVD	Kensington	E165	321
14	0020072458	15-Jul-20 07:22:04	665 Coventry RD	Kensington	E165	321
15	0020072601	15-Jul-20 13:53:02	253 Yale AVE	Kensington	E165	611F
16	0020073154	17-Jul-20 00:00:01	281 Lexington RD	Kensington	E165	740
17	0020073398	17-Jul-20 16:56:07	22 Kerr AVE	Kensington	E165	321
18	0020073466	17-Jul-20 20:44:38	39 Norwood AVE	Kensington	E165	321
19	0020073953	19-Jul-20 11:56:56	207 Colgate AVE	Kensington	E165	321
20	0020073964	19-Jul-20 13:03:32	2 Marchant CT	Kensington	E165	5000
21	0020074324	20-Jul-20 14:05:10	18 Arlington CT	Kensington	E165	611
22	0020074491	20-Jul-20 22:52:32	316 Coventry RD	Kensington	E165	611
23	0020075201	22-Jul-20 19:48:04	433 Ocean View AVE	Kensington	E165	400
24	0020075284	23-Jul-20 03:01:54	90 Highland BLVD	Kensington	E165	740
25	0020075435	23-Jul-20 13:35:47	69 Stratford RD	Kensington	E165	700
26	0020075495	23-Jul-20 17:04:48	18 Arlington CT	Kensington	E165	700
27	0020075994	24-Jul-20 22:01:49	276 Purdue AVE	Kensington	E165	321
28	0020076500	26-Jul-20 13:43:09	600 Canon DR	Kensington	E165	611
29	0020077305	28-Jul-20 14:22:34	269 Colgate AVE	Kensington	E165	651
30	0020077445	28-Jul-20 19:22:47	39 Norwood AVE	Kensington	E165	550

* See Attached Table for Incident Type Explanations

Type Series

Description

100	<i>(Structure, Trash, Vehicle, Vegetation Fire)</i>
200	<i>(Over Pressure/Ruptures Explosions, Bombs)</i>
300	<i>(EMS, Vehicle Accidents, Extrication, Rescue)</i>
400	<i>(Chemical Spills, Leaks, Down power Lines)</i>
500	<i>(Distress, Water/ Smoke/Odor Problems, Public Assists)</i>
600	<i>(Cancelled En Route, Wrong Location)</i>
700	<i>(Wrong Company/Unit Dispatched)</i>

Kensington Fire Protection District
Balance Sheet
As of July 31, 2020

	Jul 31, 20
ASSETS	
Current Assets	
Checking/Savings	
Petty Cash	200.00
KFPD Revolving Acct - Gen Fund	31,722.24
General Fund	226,940.65
Special Tax Fund	10,152.74
Capital Fund	-6,512.96
Total Checking/Savings	262,502.67
Accounts Receivable	
Accounts Receivable - Year End	112,644.40
Accounts Receivable	4,063.84
Interest Receivable	34,000.00
Advance on Taxes	2,291,215.96
Advance on Supplemental Taxes	60,682.81
Total Accounts Receivable	2,502,607.01
Other Current Assets	
E/C Salary Reimbursement Receiv	45,354.12
Deposits on Fixed Assets	220,000.00
Prepaid Services - EC	0.07
Prepaid Exp.	1,159.00
Prepaid CERBT - Retiree Trust	194,770.99
Investments	
Capital Replacement Funds	3,534,838.00
Fire Protect. Contract Reserves	3,032,487.51
E/C Contract Recon Reserves	381,526.97
Investments - Other	-604,172.40
Total Investments	6,344,680.08
Total Other Current Assets	6,805,964.26
Total Current Assets	9,571,073.94
Fixed Assets	
Land	5,800.00
Equipment	1,487,223.95
Accumulated Depreciation-Equip	-830,564.15
Building and Improvements	2,391,581.26
Accumulated Depreciation - Bldg	-1,070,893.00
Current Capital Outlay	
B/C Command Vehicle	59,863.07
Firefighters Qtrs/Equip	105.00
Type III Engine	10,801.56
Total Current Capital Outlay	70,769.63
Total Fixed Assets	2,053,917.69
TOTAL ASSETS	11,624,991.63

Kensington Fire Protection District
Balance Sheet
As of July 31, 2020

	<u>Jul 31, 20</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Due to Revolving Acct - Gen Fnd	12.09
Due to Other - Issued by CCC	309,181.09
Accounts Payable	<u>16,748.96</u>
Total Accounts Payable	325,942.14
Other Current Liabilities	
Accrued Salary Reimb Income-EC	45,521.32
Wages & PR Taxes Payable	7,785.46
Deferred Inflow of Resources	<u>6,911.00</u>
Total Other Current Liabilities	<u>60,217.78</u>
Total Current Liabilities	386,159.92
Long Term Liabilities	
El Cerrito Reconciliation Liab.	256,999.97
CalPERS Settlement Payable	<u>28,562.56</u>
Total Long Term Liabilities	<u>285,562.53</u>
Total Liabilities	671,722.45
Equity	
Fund Equity - General	3,889,496.00
Fund Equity - Capital Projects	3,213,698.00
Fund Equity - Special Revenue	109,075.00
Fund Equity - Gen Fixed Asset	2,212,892.01
Fund Equity	1,830,861.87
Net Income	<u>-302,753.70</u>
Total Equity	10,953,269.18
TOTAL LIABILITIES & EQUITY	<u><u>11,624,991.63</u></u>

08/06/20
Accrual Basis

Kensington Fire Protection District
Profit & Loss
July 2020

	Jul 20
Ordinary Income/Expense	
Income	
Lease Agreement	3,050.25
Total Income	3,050.25
Expense	
RETIREE MEDICAL BENEFITS	
PERS Medical	952.08
Delta Dental	948.79
Vision Care	323.10
Total RETIREE MEDICAL BENEFITS	2,223.97
OUTSIDE PROFESSIONAL SERVICES	
Accounting	3,910.00
EI Cerrito Contract Fee	293,181.20
LAFCO Fees	2,293.70
OUTSIDE PROFESSIONAL SERVICES - Other	4,406.63
Total OUTSIDE PROFESSIONAL SERVICES	303,791.53
DISTRICT ACTIVITIES	
Office	
Office Expense	60.00
Telephone	1,200.17
Office- Other	11.30
Total Office	1,271.47
Memberships	300.00
Building Maintenance	
Miscellaneous Maint.	60.00
Total Building Maintenance	60.00
Building Utilities/Service	
Gas and Electric	-1,410.49
Water/Sewer	-432.53
Total Building Utilities/Service	-1,843.02
Total DISTRICT ACTIVITIES	-211.55
Total Expense	305,803.95
Net Ordinary Income	-302,753.70
Net Income	-302,753.70

TRANSMITTAL - APPROVAL

Item 3.4

TO: Auditor Controller of Contra Costa County:

Forwarded herewith are the following invoices and claims for goods and services received which have been approved for payment:

**KENSINGTON FPD
TRANSMITTAL - APPROVAL
Invoices**

PY/CY:
BATCH #.:
DATE : 8/12/2020
LOCATION #: 13
FILENAME: KENSINGTON

VEND #	VENDOR NAME	INVOICE DATE	DESCRIPTION	FUND /ORG	SUB-ACCT	TASK	OPT.	ACTIVITY /WORK AUTH.	ENCUMB (P.O.) / Invoice #	P/C	PAYMENT AMOUNT
50296	All-Ways Green Services	8/1/2020	Janitorial Services Inv no 43505	7840	2490						\$105.00
50297	All-Ways Green Services	7/1/2020	Janitorial Services Inv no 43951	7840	2490						\$105.00
	Alliant Insurance	6/2/2020	Inv 1111465 Commercial Crime ins 7/1/19-7/1/22	7840	2490						\$1,159.00
50301	AT&T	7/5/2020	Telephone 7/5-8/4/20 plus penalty \$31.36	7840	2490				062020		\$1,051.76
50297	CALPERS	7/2/2020	7072901257 August Settlement	7840	2490				020-17		\$952.08
50297	CALPERS	7/2/2020	7072901257 August Health	7840	2490				020-17		\$6,153.85
50305	Comcast	7/15/2020	Internet Service 6/26/2020-7/25/2020	7840	2490				1315790720		\$154.87
	Contra Costa county	6/30/2020	LAFCO Net cost Appt 2020-21								\$2,293.70
	Delta Dental	7/10/2020	Inv no BE005015165 July 1-31 19 and June 1-30	7840	2490						\$1,897.58
	Delta Dental	8/1/2020	Inv no BE005015165 Aug 1-31 20	7840	2490						\$948.79
50293	Digital Deployment	7/22/2020	Streamline Monthly Member Fee	7840	2490				106131		\$200.00
50293	Digital Deployment	3/22/2020	Invoice 104227	7840	2490						\$200.00
	El Cerrito	8/1/2020	Service August 1-31, 2020	7840	2490						\$293,181.22
	Google	7/31/2020	Inv 37669937215	7840	2490						\$60.00
	Ian Martin	7/31/2020	Service date March 2020 to May 2020	7840	2490						\$480.00
	Julie Stein	7/14/2020	Receipt from Copy central dtd 7/14/20	7840	2490						\$11.30
	Kilaire Heating	6/30/2020	Inv No 076766	7840	2490						378..37
	Kensington Police Community Alarm	7/28/2020	Fire Alarm-Community Svc Ctr/per BOD Action	7840	2490						\$30,950.00
50131	Meyers Nave	7/16/2020	Legal Counsel June 2020	7840	2490				2020050290		\$6,623.64
	Misty Cheng	7/31/2020	Accounting Counsultant Services, July	7840	2490						\$3,910.00
50291	NerdCrossing	4/29/2020	Inv 7449 Email Project Migration	7840	2490				7449, 7389, 7455		\$2,557.50
50291	NerdCrossing	5/20/2020	Inv 7389 VPNLICENSE	7840	2490						\$114.00
50291	NerdCrossing	5/26/2020	Inv 7455ESET subscription	7840	2490						\$49.99
	Office Depot 6011 5656 1002 2002	7/5/2020	Inv June 2020	7840	2490						\$83.34
	Office Team	7/6/2020	Inv 50025177 wk ending 7/3/20	7840	2490						\$666.00
	Office Team	7/14/2020	Inv 50067560 wk ending 7/10/20	7840	2490						\$520.38
	Office Team	7/22/2020	Inv 56103820 wk ending 7/17/20	7840	2490						\$166.52
	Office Team	7/27/2020	Inv 56115206 wk ending 7/24/20	7840	2490						\$499.56
	Office Team	7/31/2020	Inv 56163810 wk ending 7/31/20	7840	2490						\$312.23
	P G & E Electric	6/11/2020	5/6/20 to 6/4/20	7840	2490						\$1,451.33
	P G & E Electric	5/12/2020	4/6 /20 to 5/5/20	7840	2490						\$1,034.83
50304	PG&E GAS	7/5/2020	Gas charge 6/5-7/03/20	7840	2490				052020		\$95.96
	Ply Movement	7/22/2020	Invoice 91602639 delivery July 20	7840	2490						\$2,554.17
	Ross Drullis Cusenbery	6/30/2020	Invoice No 2016029-21 ESR007	7840	2490						\$1,989.88
	Stericycle	8/1/2020	Inv 3005186238	7840	2490						\$139.84
	Terminix	6/1/2020	Service date May 11, 2020 Inv 39713511	7840	2490						\$148.00
50150	VSP	7/19/2020	Inv NO 809978366	7840	2490						\$323.10
TOTAL											\$363,144.42

Kensington FPD Approval



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: Authorize Interim General Manager to Pay Recurring Bills

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Consider authorizing the Interim General Manager to pay recurring bills and provide a report to the Board of Directors for ratification.

Background

In accordance with District *Policy 7 Expense Authorization* and *Policy 8 Checking Account*, the General Manager is authorized to pay bills of \$5,000 or less that are within budget with two signatures:

7.10 Any commitment of District funds for a purchase or expense greater than \$5,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

7.20 All purchases made for the District shall be authorized by the Manager, and shall be in conformance with the approved District budget.

8.20 Checks written on the account must be authorized by the KFPD budget. Two signatures are required on every check. Said signatures shall be those of the Manager and/or the Directors on the Finance Committee.

The normal flow of payments was altered due to the pandemic from those which are \$5,000 or less paid via checks written on the checking account and those over \$5,000 paid via transmittal submitted to the County, to essentially all paid via transmittal submitted to the County. This transmittal is approved by the Board at the regular meeting, the timing of which is often not ideal given receipt of bills and due dates. In addition, payment mechanisms that are available and in accordance with District policies are available and would be utilized as appropriate: debit card, checking account bill pay, and electronic payments (ACH).

Pursuant to 7.10 those "...greater than \$5,000" could be paid if "...in conformance with prior Board action and/or authorizations."; therefore, the Interim General Manager is requesting the Board consider authorizing payment of recurring bills with a

report to be provided as a Consent Item for ratification at the Board of Directors meeting. This would allow better flow of payments and use of staff time in alleviating vendor follow-up when timing of meeting and corresponding approval are often not in sync with due dates. These would not include contract or other bills which would be provided to the Board for specific approval. Recurring bills would include, but not be limited to:

- City of El Cerrito - fire services contract fee
- Retiree health
- Utilities - gas, electricity, water, sewer, refuse, telephone, internet, website
- Building maintenance/services - landscaping, pest control, repairs
- Office/computer equipment maintenance, services and supplies

Fiscal Impact

There is no fiscal impact, expenditures will be within budget.

Attachments: Policy 7 Expense Authorization
Policy 8 Checking Account

KENSINGTON FIRE PROTECTION DISTRICT OPERATIONS MANUAL

POLICY TITLE: Expense Authorization
POLICY NUMBER: 7

7.10 Any commitment of District funds for a purchase or expense greater than \$5,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

7.20 All purchases made for the District shall be authorized by the Manager, and shall be in conformance with the approved District budget.

7.30 A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$200.00.

7.31 Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the Manager, and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00.

7.32 The petty cash fund shall be included in the District's annual independent accounting audit.

7.40 Whenever employees or Directors of the District incur cash outlay expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request from the District's petty cash or checking account revolving fund. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the President prior to remuneration.

7.50 Credit cards: A credit card shall be issued to the Manager. Credit cards shall not be issued or used by members of the Board of Directors. Directors will use their personal credit cards for lawful expenses of the District and seek reimbursement on a form provided by the District for that purpose.

7.51 All credit card bills shall be paid timely to avoid late fees and finance charges.

All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.

7.52 All credit card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.

7.53 A member of the Finance Committee shall review and approve credit card transactions by the Manager.

7.54 All records of the District involving credit card use, including receipts, invoices, and requests for reimbursement are disclosable public records to be maintained consistently with the District's records management policy.

**KENSINGTON FIRE PROTECTION DISTRICT
OPERATIONS MANUAL**

POLICY TITLE: **Checking Account**
POLICY NUMBER: **8**

8.10 The District shall maintain a revolving fund checking account at a local bank. The balance in said account shall at no time exceed \$35,000. The Manager shall request the County through its accounts payable process to replenish the checking account in the amount of the checks written during the preceding month.

8.20 Checks written on the account must be authorized by the KFPD budget. Two signatures are required on every check. Said signatures shall be those of the Manager and/or the Directors on the Finance Committee.

8.30 Receipts shall be maintained for the amount of each expenditure.

8.40 Voided checks shall be maintained in the District's files with the signature portion removed.



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: **PROPOSED AMENDMENT TO POLICY 1150 BUDGET PREPARATION AND REVIEW SECOND READING AND APPROVAL**

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Staff recommends holding the second reading and adopting Resolution 20-11 amending *Policy 1150 Budget Preparation and Review*.

Background

Proposed amendments to *Policy 1150 Budget Preparation and Review* are intended to bring the policy into compliance with the Health and Safety Code, allow budget continuation in the event a new budget is not adopted, state the level of budget control as well as methods of monitoring, and add consistency in terminology.

Amendments to 1150.30 and 1150.40 allow flexibility in timing of preliminary budget and final budget adoption adding “no later than” in both. In accordance with the Code this inclusion would allow the Board to adopt the final budget in June without the need for an additional adoption in September if the Board so desired.

At the July 8, 2020 Board of Directors Meeting, the Board held the first reading. This item is now placed on the agenda to hold the second reading and adopt the resolution amending the policy.

Fiscal Impact

There is no fiscal impact.

Attachments: Policy 1150 Budget Preparation and Review (redline and clean)
Resolution 20-11

RESOLUTION 20-11

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE KENSINGTON FIRE PROTECTION DISTRICT AMENDING
POLICY 1150 BUDGET PREPARATION AND REVIEW**

WHEREAS, the Board of Directors (“Board”) of the Kensington Fire Protection District (“District”) has established the Policy Handbook (“Handbook”) which sets District policies; and

WHEREAS, the Board desires to incorporate internal controls pertaining to employee time reporting and approval by amending the Handbook; and

WHEREAS, the Board held a first reading of a proposed amendment to Section 130 Pay Periods of the District Handbook on June 10, 2020; and

WHEREAS, the Board now desires to hold a second reading and adopt an amendment to Section 130 as it pertains to employee time reporting and approval;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kensington Fire Protection District hereby amends Policy 130 of Kensington Fire Protection District Employee Handbook as follows (additions in underline, deletions in strikethrough):

1150.10 On an annual basis, An annual the General Manager shall draft a proposed annual budget proposal shall be drafted by the Manager. Such proposed annual The budget will shall be balanced.

1150.20 Prior to review by the Board of Directors, the General Manager shall present the proposed annual budget to the Board's Finance Committee for review and amendment. shall meet with the Manager and review his/her annual budget proposal.

1150.30 The General Manager shall present the proposed preliminary annual budget, as reviewed and amended by the Finance Committee, shall be to the reviewed by the Board for review and amendment no later than at its the Board's regular meeting in June, or as otherwise scheduled by resolution of the Board. The legal level of budgetary control is at the operating level; District expenditures will be within the total approved and/or adopted budget unless amended.

1150.40 The proposed final annual budget, as reviewed and amended by the Board, during its review shall be adopted no later than at its the Board's regular meeting in September, or as otherwise scheduled by resolution of the Board.

1150.50 In the event an annual budget is not adopted prior to the start of the fiscal year, the budget last approved by the Board shall remain in effect until such annual budget is adopted.

KENSINGTON FIRE PROTECTION DISTRICT POLICY HANDBOOK

Policy Number and Title **1150 Budget Preparation and Review**

1150.10 On an annual basis, the General Manager shall draft a proposed annual budget. Such proposed annual budget shall be balanced.

1150.20 Prior to review by the Board of Directors, the General Manager shall present the proposed annual budget to the Board's Finance Committee for review and amendment.

1150.30 The General Manager shall present the proposed preliminary annual budget, as reviewed and amended by the Finance Committee, to the Board for review and amendment no later than the Board's regular meeting in June, or as otherwise scheduled by resolution of the Board.

1150.40 The proposed final annual budget, as reviewed and amended by the Board, shall be adopted no later than the Board's regular meeting in September, or as otherwise scheduled by resolution of the Board.

1150.50 In the event an annual budget is not adopted prior to the start of the fiscal year, the budget last approved by the Board shall remain in effect until such annual budget is adopted.

1150.60 Budget control is maintained at the operational level. The General Manager is authorized to transfer budgeted amounts so long as District expenditures remain within the adopted budget, or as amended by the Board. Budget modifications that increase or decrease the overall annual budget must be approved by the Board.

1150.60 The Board shall review budget performance on a semi-annual basis.

1150.70 The General Manager shall develop administrative procedures that are consistent with the Board's policies, and devise and maintain systems of budgetary control. Such controls may include, but are not limited to:

1. Monthly financial reports to the Board of Directors.
2. Evaluation and reporting of budget variances.
3. Budget amendments for Board approval, as required.

KENSINGTON FIRE PROTECTION DISTRICT POLICY HANDBOOK

Policy Number and Title 1150 Budget Preparation and Review

1150.10 On an annual basis, An annual the General Manager shall draft a proposed annual budget proposal shall be drafted by the Manager. Such proposed annual The budget will shall be balanced.

1150.20 Prior to review by the Board of Directors, the General Manager shall present the proposed annual budget to the Board's Finance Committee for review and amendment. shall meet with the Manager and review his/her annual budget proposal.

1150.30 The General Manager shall present the proposed preliminary annual budget, as reviewed and amended by the Finance Committee, shall be to the reviewed by the Board for review and amendment no later than at its the Board's regular meeting in June, or as otherwise scheduled by resolution of the Board. The legal level of budgetary control is at the operating level; District expenditures will be within the total approved and/or adopted budget unless amended.

1150.40 The proposed final annual budget, as reviewed and amended by the Board, during its review shall be adopted no later than at its the Board's regular meeting in September, or as otherwise scheduled by resolution of the Board.

1150.50 In the event an annual budget is not adopted prior to the start of the fiscal year, the budget last approved by the Board shall remain in effect until such annual budget is adopted.

1150.60 Budget control is maintained at the operational level. The General Manager is authorized to transfer budgeted amounts so long as District expenditures remain within the adopted budget, or as amended by the Board. Budget modifications that increase or decrease the overall annual budget must be approved by the Board.

1150.650 The Board of Directors shall review budget performance on a semi-annual basisly.

1150.760 The General Manager will shall develop administrative procedures that are consistent with the Board's policies, and devise and maintain systems of budgetary control. Such controls may, including, but are not limited to:

1. Monthly financial reports to the Board of Directors.
2. Evaluation and reporting of budget variances.
3. Budget amendments for Board approval, as required.

Item 3.6

1150.60 Budget control is maintained at the operational level. The General Manager is authorized to transfer budgeted amounts so long as District expenditures remain within the adopted budget, or as amended by the Board. Budget modifications that increase or decrease the overall annual budget must be approved by the Board.

1150.650 The Board of Directors shall review budget performance on a semi-annual basis.

1150.760 The General Manager will~~shall~~ develop administrative procedures that are consistent with the Board's policies, and devise and maintain systems of budgetary control. Such controls may, including, but are not limited to:

1. Monthly financial reports to the Board of Directors.
2. Evaluation and reporting of budget variances.
- ~~4.~~3. Budget amendments for Board approval, as required.

The foregoing resolution was duly adopted at a regular meeting of the Kensington Fire Protection District on the 12th day of August 2020 by the following vote of the Board.

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Stein, President

Larry Nagel, Secretary

BHI MANAGEMENT CONSULTING

"Organizational Efficiency for Public Agencies"

To: Ad-hoc Committee for the General Manager Recruitment - Kensington Fire Protection District

From: Brent Ives, BHI Management Consulting

Subject: Status Report on Permanent GM Recruiting Efforts

Date: July 24, 2020

On April 8th, 2020 at the Board of Directors Regular meeting, a proposal was approved with BHI Management Consulting to begin recruiting for both an interim and permanent District General Manager positions. This report is to advise the Board of Directors on the status and next steps status of the recruitment effort for these positions.

- BHI consultant (Consultant) recruited three qualified candidates for the Interim position, then vetted those candidates via Zoom interviews to select one for full Board consideration.
- On April 23rd, at a Special Meeting, the Board of Directors, after a Zoom interview with the selectee, approved that selection and has since worked the details of hiring that individual for a start date in early May.
- Upon confirmation of Interim start date, Consultant began working on the preparation stages for the recruitment effort for the permanent GM position. This effort will generally proceed with the following steps:
 1. June 14 the position was placed into the market in several on-line job listings, NextDoor Kensington and the District's website.
 2. The posting closes on August 14th, I will update the temporary committee in early August, then review all candidates with them post closing.
 3. To date we have 25 candidates, but only three qualify for next level review. These three are qualified on paper and have backgrounds that coincide with the Board's profile for the position. I have contacted many potential candidates sending along candidate information. I am in discussions with two others and hope to have them in the candidate pool by closing date.

BHI MANAGEMENT CONSULTING

"Organizational Efficiency for Public Agencies"

4. In August the committee and I will assess candidates for the next level of actions that may lead to Board in interviews later in August or early September.

I will proceed through these steps with the temporary committee in August and full Board when able. If, in the meantime, you have questions or identify individuals whom I should contact about the position, please advise.

Thank you,

Brent H Ives

Brent Ives, Principal
BHI Management Consulting
(209)740-6779



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: Regional Government Services (RGS) Payment Dispute Response

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Consider and discuss RGS payment dispute response and take potential action:

- Accept the credit issued by RGS and authorize payment of April invoice and remaining balance of May invoice;
- Direct Interim General Manager to continue dispute with assistance from legal counsel; or
- Other action as deemed appropriate by the Board of Directors.

Background

The Kensington Fire Protection District (District) Board of Directors disputed payment of invoices for April and a portion of May for services provided citing a variety of concerns with performance under the agreement. RGS has now provided a response to the April invoice dispute letter and included the item cited in the letter as not previously received, March 2, 2020 Finance Committee Meeting Minutes (attached). The letter includes credits totaling \$3,902.60 which would leave a remaining balance owed for the April invoice of \$21,485.75 and a remaining balance for the May invoice of \$7,821.68. The total paid to RGS including those would amount to \$186,495.40.

The Board of Directors can consider the credit offered and direct the Interim General Manager on whether to pay remaining balances, continue dispute with assistance from legal counsel, or take other action. Legal fees from the June invoice for this matter totaled \$1,365 and there may be charges billed in July. While the credit offered may or may not be an amount the Board of Directors considers to be sufficient, it is worth considering the cost of legal services and staff time involved in such a dispute.

Fiscal Impact

The remaining balance of invoices was included in the estimate for the budget.

Attachment: RGS Payment Dispute Response Letter and Attachment
RGS Invoices for April and May



July 21, 2020

Via email to mmayorga@kensingtonfire.org

Mary Morris-Mayorga, Interim General Manager
Kensington Fire Protection District
217 Arlington Avenue
Kensington CA 94707

RE: JUNE 24 PAYMENT DISPUTE LETTER RE RGS' APRIL 2020 INVOICE

Dear Ms. Morris-Mayorga:

We have thoroughly reviewed your letter of June 24, 2020 regarding our April 2020 invoice, and are writing to provide you with our perspective and additional facts about Regional Government Services Authority's (RGS) engagement with the Kensington Fire Protection District (the District). RGS, a California Joint Powers Agency, performed services for the District for approximately a seven-month period, from October 25, 2019 through June 4, 2020. At the District's request, and with great urgency RGS contracted with the District to provide professional public administration at a time when the District's single employee had resigned. Both RGS and the District Board were aware at the time that the Agreement was executed that no viable and immediate alternative existed to operate the District, and a relatively small contract was agreed upon in expectation by RGS that the District would move quickly and collaboratively to remedy the situation. Regional Government Services exists to maximize the efficiency and effectiveness of service delivery of government programs benefiting the local and regional public interest, and we believed this urgent necessity was consistent with our mission.

RGS identified very early the magnitude of the service challenges at the District, due to an almost total lack of administrative infrastructure, and a Board President tasked with functioning as the Chief Executive. To facilitate solutions, RGS advocated for a General Manager to be hired from the very first Board meeting we attended; this recommendation was rebuffed. Also rebuffed were our initial recruitment recommendations. Recruitment was delayed for months as the Board of Directors tried to devise a recruitment plan, before finally retaining BHI Consulting at RGS' further recommendation. This situation created a very large workload for President Stein, designated administrative authority for the District, and it also increased the hours of work for RGS, as most administrative deliberations required significant background research and multiple iterations of communication. The resulting expansion of administrative time and cost are direct contributing factors to the District's expenditures; and a consequence of decisions made (or not made) by the Board of Directors.

While we understand that the District Board of Directors is now expressing dissatisfaction with the quality and efficiency of our work, on two occasions, once in January and again in March 2020, the District Board approved increases in the amount of our agreement, from an initial \$36,000 to

\$285,000—neither represents the actions of a dissatisfied Board. Had the Board desired to act on any experienced dissatisfaction, at any time, the agreement between RGS and the District provides an appropriate action. Section 2 of the Agreement clearly states the remedy: “This Agreement may be terminated by either Party, with or without cause, upon 30 days’ written notice. Agency has the sole discretion to determine if the services performed by RGS are satisfactory to the Agency which determination shall be made in good faith. If Agency determines that the services performed by RGS are not satisfactory, Agency may terminate this Agreement by giving written notice to RGS. Upon receipt of notice of termination by either Party, RGS shall cease performing duties on behalf of Agency on the termination date specified and the compensation payable to RGS shall include only the period for which services have been performed by RGS.”

The District never terminated the agreement. It was RGS who did so, effective June 4, 2020 after we became aware that an individual capable of providing interim management would be hired in May. For the District to benefit from our extensive efforts to keep the agency functioning, and then unilaterally refuse to pay for those efforts when alternative management is finally in place is not acceptable, either contractually or ethically. RGS has adjusted various charges during this engagement to ensure both accuracy and client satisfaction. We will continue to do so as factually incorrect charges are brought to our attention with adequate specificity. The District’s complaints as itemized in the June 24 letter do not constitute adequate grounds for non-payment.

For example, one of the issues noted in the June 24 letter is that “the majority of billings to the District are at the supervisor/director rather than staff level”. We remind the District that under the following terms of our Agreement this is not an incorrect charge:

- Section 5.2: “RGS shall provide services under this Agreement through one or more employees of RGS qualified to perform services contracted for by Agency. The positions of RGS staff that will coordinate services to the Agency are indicated in the Exhibits.”
- Section 5.3: “Agency shall not have the ability to direct how services are to be performed”
- Exhibit B: “The RGS team assigned will be led by a Lead Advisor, who will both perform work and direct projects to other RGS staff as needed. RGS staff, with equal or lower bill rates, will be assigned to projects or tasks at Lead Advisor’s discretion.”

While RGS does make every effort to provide services at the lowest possible rate, at no time did we guarantee how the work would be distributed among our staff; and the complex nature of the service required by the District resulted in a higher rate of Lead Advisor engagement than either party had anticipated. Nevertheless, the work was assigned according to the terms of our agreement.

The June 24 letter also cites “a number of instances where the time billed does not reflect the value of the services received.” The District may not value the services, but this does not alter the fact that, in accordance with our Agreement, RGS performed the services and correctly billed for actual hours worked to deliver them.

Below is our response to several additional specific issues raised in the June 24 letter. Since RGS has been remunerated for work through March 2020, we are primarily focusing our response on matters from April 1 forward.

ISSUE: RGS failed to meet District's explicit, published timelines for production of agenda materials, which frequently resulted in the late production of District agenda packages and late distribution to Directors; RGS also consistently failed to update the District website with the agenda materials that it produced and submitted late. Examples include the agenda packages and website updates for the Finance Committee meeting in March and Board meetings in January, February, March, and May.

Substantial efforts were required to produce agenda packets and materials. From March 15 through the termination of this agreement, COVID-19 Shelter in Place orders were in effect, which required substantial changes in how agendas, supporting materials, and meetings were produced and distributed. The typical delivery of printed agenda packets to individual Directors during this period is not only not an essential service when electronic means of proper communication were provided, but a potentially hazardous one for all involved.

In addition, immediately after beginning the engagement, RGS was deprived of the office location used by previous staff and relocated to a conference room which was shared with the District's tenants. This separated the District from the copy machine used for packet production. The lack of a network connection to that machine and the problematic access through the Fire Department's living quarters was a factor in timely production even before the pandemic restrictions.

The April invoice identifies 13 reports of daily activities devoted to production of Agenda materials. Failure to pay for hours worked is not a remedy even if missed deadlines occurred or distribution procedures were altered. If the District is able to provide more detail to identify the specific website updates missing, we are willing to consider an equitable mitigation.

ISSUE: On March 2, 2020, RGS billed two hours for the attendance of Shaghayegh Amiri at a Finance Committee meeting, plus travel expenses, yet no minutes were produced.

Ms. Amiri was asked to attend to take minutes. No action was taken at the meeting, and the Committee decided to report out. No time was charged for completing the minutes. We concur that minutes reflecting who attended, and that there were no actions, should be created. However, this was not one of the high priorities for minutes as discussed between the District and RGS. Ms. Amiri did complete minutes for all the Board meetings (which were of the highest priority) prior to the termination date of the agreement. These were on the June meeting agenda, which occurred after contract termination.

RGS (at its own expense) has produced draft minutes of the March 2 Finance Committee meeting, noting attendance and documenting that no action was taken. These are attached.

ISSUE: On numerous occasions in March and April, RGS billed significant staff time (mainly that of Glenn Lazof) described as work on CalPERS payments, yet duplicate payments were made despite the considerable resources expended on the matter.

The invoice for services for March has been paid and we have no dispute for that period. The April invoice reflects work effort towards paying the PERS invoices, and it should be noted that correctly paying PERS was not easy, due to both process factors and to the types of information portrayed on the invoices. Substantial and continual efforts were required to pay these as accurately as possible. Factors influencing this included:

- The District had no access or person with the authority to access the PERS online system which PERS requires for invoicing and payment. RGS employees built a unique relationship with PERS to obtain invoices via e-mail, even though this was not PERS procedure.
- The most current invoices were never available in time to be approved by the board at the monthly regular meeting and were minimally a month behind. This resulted in the continuing accrual of late charges and penalties.
- The irregularity and several week delay in County payment of the approved transmittals resulted in past due amounts appearing on the invoices, each of which had to be individually investigated to determine whether or when payments might be received.

Additionally, the invoice always showed the full litigation settlement as fully due, even though the settlement agreement and practice were to pay a smaller amount monthly.

When correct payment amounts were in doubt, in RGS' professional judgment, it was deemed that the risk of duplication of payment was low due to the long delays in processing payments; and that if it did occur, it would only result in lower interest charges, as even duplicated payments would be unlikely to be received prior to next invoice being past due. Any duplicated payments would be credited by PERS against outstanding balances.

ISSUE: RGS directed the destruction of supporting documents concerning the transmittal of payments to the County in March, including the CalPERS payments in question, in violation of the District's records retention policy for invoices in support of monthly transmittals.

For the record, the statement is not true. At no time was anyone directed by RGS to destroy any public or confidential record. District payment documents were left intact on the District computer, including in the District's e-mail. In particular, all CalPERS invoices are available in the District e-mail. Additionally, these are available on the CalPERS online site and should be accessible by the Interim General Manager.

This allegation is irrelevant to the dispute over billing for actual hours worked in April. However, for your convenience, we are attaching a copy of the PERS invoice that accompanied the March transmittal. Please note for further clarification that RGS made a duplicate of the March Transmittal package in hard copy, as a back-up until the County acknowledged receipt, and that duplicated version was not retained.

As part of a comprehensive resolution of payment of the April invoice, RGS will, at its own expense, request a paper copy of the Transmittal package from the Contra Costa County Auditor-Controller's office and submit this paper copy to the District, if the County is able to comply.

ISSUE: In March, the Board President spent considerable time working with Sharzhad Pantera to enable access to online banking and online bill payments only to have the RGS Lead Advisor request to the Board President that online banking not be implemented by Ms. Pantera.

The invoice for services for March has been paid and this matter is not relevant to the April invoice. RGS agrees that the decision not to have an RGS employee assist with online banking was made by RGS. For the record, it was only during the sign-up process that Ms. Pantera discovered that

your bank branch was requiring her Social Security number for the account. We believe that this was because the District either did not have the proper type of account or the ignorance of the bank staff at that branch, as no individual should be financially responsible for the District's corporate/governmental accounts. We would like the District to recognize that even if they had staff available to perform this work, the District would not have avoided compensating them for the time expended, whether due to either the account being incorrectly set up or a bank error.

Nevertheless, as part of a comprehensive resolution of payment of the April invoice, RGS will, as a goodwill gesture, refund the District for the entire 14.1 hours billed on March 19, 25, and 26 by Ms. Pantera and Mr. Lazof, as well as activities on April 8 by Mr. Lazof, which were defined as "banking".. Many other activities were performed during those days, therefore the full refund for all activities days will more than exceed the cost of time spent on online banking access activity March. The value of this goodwill adjustment is \$3,125.

ISSUE: Beginning in March, RGS billed \$105 per hour for John Mercurio to read and respond to District emails, which should have been assigned to lower cost staff.

As previously noted, by terms of the agreement with RGS, assignment of RGS personnel is at the sole discretion of RGS. However, we do not act arbitrarily or capriciously; the RGS employee who initially performed these routine administrative functions accepted other employment during this engagement. Mr. Mercurio was the best available choice to replace her. As was explained to the Board President, in addition to basic administration, Mr. Mercurio's skill set enabled him to take over some of Mr. Lazof's roles, resulting in a significant hourly rate savings. This savings was not fully realized due to the termination of the agreement; however, we note that Mr. Lazof's monthly average hours decreased significantly in March as he was able to transition work to Mr. Mercurio. In addition to this consideration, the full impact of shelter in place orders was not known, and it was thought that on-site services might again be provided. Mr. Mercurio's proximity to the District provided an opportunity for reduced travel costs as well.

Nevertheless, as part of a comprehensive resolution of payment of the April invoice, RGS will, as a goodwill gesture, refund to the District \$777.60 for time billed by Andrea Ausberry resulting from the transition.

ISSUE: In April, RGS billed time for Glenn Lazof pertaining to the CERBT Trust; the District had requested RGS withdraw funds from the CERBT, RGS expended unauthorized time producing a Staff Report that provided significant detail on the merits of not withdrawing funds during times of low investment returns.

There were no charges for the withdrawal of funds. No RGS employee had the designated authority to withdraw funds from the Kensington Fire Protection District's CBERT trust. We are unable to locate a specific request (board action or directive from the President, or Interim General Manager) that funds be withdrawn from the trust. Following discussion with the CBERT trustee, in Mr. Lazof's professional opinion, it was not in the District's financial interest to withdraw funds at that time. The memo was prepared to provide this important decision-making information to the Board. The Board is able to consider and direct the Interim General Manager to withdraw the funds, if it still chooses to do so, after reviewing the memorandum.

ISSUE: RGS billed time described as Form 700 and Ethics Training on many occasions, yet at least one Emergency Preparedness Committee member has not received the training and/or filed Form 700.

This is not grounds to withhold payment for hours worked on behalf of the District. Nobody can file a Form 700 on behalf of a Board or Committee member. Such filers are typically reminded by staff, but the initiative to file is the responsibility of the elected or appointed member. All required filers were reminded by RGS' staff, and by Julie Stein, President of the Board. The same responsibility is true of the required Ethics Training. Elected officials and appointees are responsible to take the training; staff's role is to facilitate. Facilitation time and effort included creating an exception for public committee members to have an opportunity to take the free Ethics course offered by the California Special District's Association. RGS is unable to compel attendance.

When reminding all Board Members to file Form 700, RGS staff received significant pushback from individual Directors; in this circumstance, RGS limited staff initiative to further urge committee members to meet their responsibility.

The President and all Directors were informed via email that the deadline to file had been extended until June, due to the COVID-19 disruptions. The new deadline occurred during the period when an Interim General Manager had been hired by the District, and RGS was taking actions only as requested or approved by the Interim General Manager.

I hope that this letter provides a more complete understanding of our view of the circumstances of our services, and of each party's obligations; and respectfully request that the Board approve full payment of the adjusted April 2020 invoice (enclosed) at the next meeting. This adjusted invoice reflects the "good will" credits for:

- Online Banking: \$3,125.00
- Ausberry Transition: \$777.60

With such approval, RGS will:

- Request hard copies of the March Transmittal package from the County and deliver these documents to the District if and when received.
- Waive any late fees to which RGS is entitled by the agreement.

In addition, please find enclosed draft minutes of the March Finance Committee meeting. We apologize for the inconvenience caused by delayed completion. If you have further questions regarding this matter, please feel free to contact me at (650) 587-7315 or via e-mail at sselivanoff@rgs.ca.gov.

Sincerely,



Sophia Selivanoff, Deputy Executive Director
REGIONAL GOVERNMENT SERVICES



PO Box 1350
Carmel Valley, CA 93924

Invoice

Date	Invoice #
4/30/2020	10919 Rev.

Bill To:

Kensington Fire Protection District
 217 Arlington Avenue
 Kensington, CA 94707

P.O. No.	Rev Due Date	Rev Inv Sent
	8/21/2020	7/21/2020

Date	Description	Amount
4/30/2020	Contract Services for April - please see attached	25,388.35
	Credit for time charged by Glenn Lazof and Shahrzad Pantera associated with Online Banking	-3,125.00
	Credit for time charged by Andrea Ausberry resulting from the transition	-777.60
	Balance billed to date is \$169,767 against an NTE of \$285,000	
Total		\$21,485.75

**MINUTES OF THE MARCH 2, 2020 FINANCE COMMITTEE MEETING
OF THE KENSINGTON FIRE PROTECTION DISTRICT**

Date of Meeting: March 2, 2020

Time of Meeting: 4 p.m.

**Place of Meeting: Kensington Public Safety Building, Conference Room
217 Arlington Avenue, Kensington, CA 94707**

PRESENT: **Directors Present:** Julie Stein & Don Dommer
 Staff: Chief Pigoni, Glenn Lazof of RGS, Shahrzad Pantera of RGS,
 Sasha Amiri-Nair of RGS
 Public: Cyrus Modavi, Lynn [Last Name Unknown]

CALL TO ORDER:

President Stein called the meeting to order at 4:02 p.m. and called roll.

PUBLIC COMMENT:

None.

(5 on the agenda) Midyear Review a. Fire Contract:

Chief Pigoni gave his review of the Fire Contract and there was a discussion had by the committee.

(5 on the agenda) Midyear Review b. District Budget:

Glenn Lazof gave his report on the District Budget and there was a discussion had by the committee.

(3 on the agenda) FY 2019 Kensington Fire Protection District 2019 – Financial Statements – Final:

There was a discussion had by the committee. No action was taken.

ADJOURNMENT: The meeting was adjourned at 6:07 p.m.

MINUTES PREPARED BY: Sasha Amiri-Nair

These minutes were approved at the regular Board Meeting of the Kensington Fire Protection District on XXX, 2020.

Attest:

Board Secretary



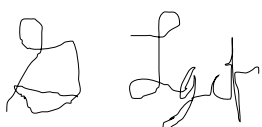
PO Box 1350
Carmel Valley, CA 93924

Invoice

Date	Invoice #
5/31/2020	11087

Bill To:
Kensington Fire Protection District 217 Arlington Avenue Kensington, CA 94707

P.O. No.	Due Date	Inv Sent
	6/30/2020	6/19/2020

Date	Description	Amount
5/31/2020	Contract Services for May - please see attached Balance billed to date is \$189037 against an NTE of \$285,000 	15,366.75

	Total	\$15,366.75
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Kensington Fire Protection District

Month: **May, 2020**

Hours and Rates by Pay Period					
	1st -15th		16th - EOM		Monthly
Advisor Name	Reg Hrs	Bill Rate	Reg Hrs	Bill Rate	Total Billed
Shaghayegh S Amiri	34.00	\$ 95.00	13.00	\$ 95.00	\$ 4,465.00
Glenn Lazof	32.50	\$ 150.00	4.70	\$ 150.00	\$ 5,580.00
John Mercurio	18.25	\$ 105.00	2.50	\$ 105.00	\$ 2,178.75
Jolene R Miller	2.00	\$ 80.00	0.00	\$ -	\$ 160.00
Shahrzad Pantera	2.50	\$ 95.00	0.00	\$ -	\$ 237.50
Linda L Wong	13.00	\$ 95.00	15.90	\$ 95.00	\$ 2,745.50
Totals	102.25		36.10		\$ 15,366.75

Attendance - Time Card Detail

Company Name REGIONAL GOVERNMENT SERVICES
 User Name Shailvina Pannu
 Report Run Date 06/03/2020

Date Range 05/01/2020 to 05/31/2020
 Department Group 3750 - Kensington Fire PD

Highlight when a day's "Total Time" is Greater Than (Default 8). The highlight will be visible on printed versions. 8

Include Comments Yes
 Include signature message on PDF export No

Signature message I have reviewed the time clock punches above and acknowledge that they are correct, complete, and accurately reflect any and all breaks for the dates listed.

AMIRI, SHAGHAYEGH S. (00843)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/01/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	6.000	0.000	0.000	6.000
Employee Comments: Emails, special meeting agenda prep, posting and special meeting attendance.									
05/04/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
Employee Comments: Emails & Posting									
05/06/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	6.500	0.000	0.000	6.500
Employee Comments: Board meeting, emails & minutes									
05/07/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	6.000	0.000	0.000	6.000
Employee Comments: Conference call, emails, agenda prep & minutes									
05/08/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	5.000	0.000	0.000	5.000
Employee Comments: Agenda prep, emails & posting									
05/09/2020	Saturday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
Employee Comments: Emails & posting									
05/11/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.500	0.000	0.000	2.500
Employee Comments: Agenda, emails & posting									
05/12/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
Employee Comments: Emails & agenda prep									
05/13/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	3.500	0.000	0.000	3.500
Employee Comments: Board meeting & emails									
05/15/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.500	0.000	0.000	0.500
Employee Comments: Posting & instructions for Mary									
05/18/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
Employee Comments: Minutes and GM desk manual update									
05/29/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	4.000	0.000	0.000	4.000
Employee Comments: Minutes backlog									
05/30/2020	Saturday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	4.000	0.000	0.000	4.000
Employee Comments: Minutes backlog.									
05/31/2020	Sunday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	4.000	0.000	0.000	4.000
Employee Comments: Minutes backlog.									

Regular	47.000
Overtime	0.000
Double Time	0.000
Total Hours	47.000

LAZOF, GLENN (00033)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/01/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	5.700	0.000	0.000	5.700
Employee Comments: LAIF report, Special MTG less closed session, Meeting report: GM Authority. Invoice Approvals,									
05/04/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.800	0.000	0.000	1.800
Employee Comments: Redo Transmittal as approved, prep regular., Transition Preparations									
05/05/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.200	0.000	0.000	2.200
Employee Comments: Finance Committee, E-mail migration, voice and e-mail. Financials and Remittance. Staff report									
05/06/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	8.300	0.000	0.000	8.300
Employee Comments: Financials, Transmittal, and other reports for May 13 packet. Prep for weekly with Pres. 18 19 Navillier Salary Reconciliation, Request questions re RGS invoice from the Board.									
05/07/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.100	0.000	0.000	2.100
Employee Comments: Prep for MTG with Pres. & Mary Mayorga, IT, Maze engage update, Agenda Packet Instr. Review Finance Activities, March April PERS payment									
05/12/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	6.900	0.000	0.000	6.900
Employee Comments: E-mail to Mayorga re: Chain of command, Upcoming Bd meeting. And President re: Bill Lindsay, Salary Reconciliation. March 11 Transmittal Package to Board President, Transition prep: Transfer of e-mails, documents, PERS, AP, Task, Financial Issues lists, Invoice Approval, Board Meeting Procedure, Agenda Packet Posting, Status of Maze Support, Correspondence review and info for Linda and Mary, Meeting protocol, and Prep. SCO report									
05/13/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	5.400	0.000	0.000	5.400
Employee Comments: W-2 contact, Ph Conf, Mayorga, Board Meeting and Prep, Invoice Procedure Changes per new exec authority									
05/15/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.100	0.000	0.000	0.100
Employee Comments: Transition Communications									
05/18/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.300	0.000	0.000	1.300
Employee Comments: Confirm and direct remaining RGS tasks, Finance to do list, Respond to request to reissue checks.									
05/19/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.100	0.000	0.000	0.100
Employee Comments: Info for Backlog of Minutes									
05/20/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.800	0.000	0.000	0.800
Employee Comments: Direction and clarifications re: Minutes backlog, transmittal, correspondence with County Auditor,									
05/21/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.600	0.000	0.000	1.600
Employee Comments: Transmittal Transition. PERS Info, Docs for Trans to District, Desk Manual Update									
05/26/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.300	0.000	0.000	0.300
Employee Comments: Review copies of Final Documents, redirect invoice									
05/27/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.400	0.000	0.000	0.400
Employee Comments: Desk Manual Review									
05/29/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.200	0.000	0.000	0.200
Employee Comments: Desk Manual									

Regular	37.200
Overtime	0.000
Double Time	0.000
Total Hours	37.200

MERCURIO, JOHN (00851)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/04/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.750	0.000	0.000	0.750
Employee Comments: Read and respond to fire district and RGS emails, Phone call with Glenn Lazof, respond to electrical panel issue at fire station									
05/05/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	3.750	0.000	0.000	3.750
Employee Comments: Read and respond to fire district and RGS emails, review fire district voicemail, video conference on email migration, RGS finance team video conference									
05/06/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.250	0.000	0.000	2.250
Employee Comments: Read and respond to fire district and RGS emails, monitor fire district voicemail, edit and proof two memos, phone call with Glenn Lazof									
05/07/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	5.000	0.000	0.000	5.000
Employee Comments: Read and respond to fire district and RGS emails, check and respond to fire district emails, video conference with Julie, Mary and Glenn, write my portion of RGS board report, board agenda video conference									
05/08/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.500	0.000	0.000	1.500
Employee Comments: Read and respond to fire district and RGS emails, fire district voicemail monitoring, write meeting notes to Glenn, RGS board report edits									
05/11/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.250	0.000	0.000	0.250
Employee Comments: Read and respond to fire district and RGS emails									
05/12/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.500	0.000	0.000	2.500
Employee Comments: Read and respond to fire district and RGS emails, respond to fire district voicemails									
05/13/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
Employee Comments: Read and respond to fire district and RGS emails, check and respond to voicemail, phone call with Glenn Lazof									
05/14/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.250	0.000	0.000	0.250
Employee Comments: Read and respond to fire district and RGS emails									
05/19/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.750	0.000	0.000	0.750
Employee Comments: Read and respond to emails, review and revise desk manual									
05/26/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.750	0.000	0.000	0.750
Employee Comments: Read and respond to emails, copy files from RGS VPN to KFPD									
05/29/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
Employee Comments: Read and respond to emails, revise desk manual									

Regular	20.750
Overtime	0.000
Double Time	0.000
Total Hours	20.750

MILLER, JOLENE R. (00698)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/04/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-	RGS	Regular	2.000	0.000	0.000	2.000

Finance

(Manual Entry)

Employee Comments: Spring FirePlug Newsletter drafted in publisher and edits with Julie

Regular	2.000
Overtime	0.000
Double Time	0.000
Total Hours	2.000

PANTERA, SHAHRZAD (00693)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/01/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.500	0.000	0.000	2.500

Employee Comments: AP processing- working on transmittal

Regular	2.500
Overtime	0.000
Double Time	0.000
Total Hours	2.500

WONG, LINDA L. (00861)

Date	Start Day	Department Group	Department	Location	Shift	Reg	Ovt	Other	Total
05/06/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	5.000	0.000	0.000	5.000

Employee Comments: QuickBooks entries, emails, prep financial reports for Agenda. Prep transmittal 2 for 5-13 meeting. DocuSign invoice for approval. Meeting with Glenn re. Agenda documents.

05/08/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
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Employee Comments: Respond to email regarding mail & payments received at office. Save attachments to KFPD computer. Send transmittal Excel file to County.

05/11/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
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Employee Comments: Analyze A/R for KPPCSD for invoice & journal entry prep. Analyze City of El Cerrito accounts for journal entry prep. Send info request emails to Katherine/KPPCSD & Carolina/County.

05/12/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.000	0.000	0.000	1.000
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Employee Comments: Emails regarding correspondence received

05/13/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	4.000	0.000	0.000	4.000
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Employee Comments: Process payables, research prior unpaid balances, create invoice for utility billing to PD, Mechanics Bank April bank reconciliation, build June transmittal, save scanned invoices to R drive June AP folder, view emails to AP, respond to emails, and review County Ledger.

05/20/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
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Employee Comments: Emails with Glenn & Mary regarding pending items, send follow-up emails to County and PD

05/21/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
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Employee Comments: Emails with Glenn & Mary, prep transmittal for DocuSign approval

05/22/2020	Friday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	0.400	0.000	0.000	0.400
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Employee Comments: Respond to emails regarding RossDrulis invoice and AP invoice download.

05/25/2020	Monday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	3.500	0.000	0.000	3.500
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Employee Comments: Email to Director Dommer to sign Transmittal. Email to vendor Deborah Russell regarding status of invoice payment. Check District computer for emails to AP and respond to several, download new invoices, update June 10 transmittal sheet. Setup Ring Meeting for Wednesday with Mary regarding creating DocuSign items for approval.

05/26/2020	Tuesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	1.500	0.000	0.000	1.500
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Employee Comments: Respond to emails. Prep transmittal for Special Meeting on 5/27. Prepare DocuSign for Julie's approval. Create DocuSign notes for Wednesday

meeting with Mary.

05/27/2020	Wednesday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	2.000	0.000	0.000	2.000
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Employee Comments: Online meeting with Mary to review processes for transmittals, AP invoices and using DocuSign for approval. Log in to District computer to check AP invoice emails and update AP files & transmittal. Send emails.

05/28/2020	Thursday	3750 - Kensington Fire PD	3750-000 - Kensington Fire PD-Finance	RGS	Regular (Manual Entry)	4.500	0.000	0.000	4.500
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Employee Comments: Review status of AP invoices approved by Julie, send emails, create transmittal #2 for RGS invoice. Update 6/10 transmittal for invoices approved by Julie. Check emails on District computer. Download more AP invoices & warrant register. Enter Bills for 6/10 transmittal and Bill Payments for 5/1 transmittal in QuickBooks. Update 6/10 transmittal for more invoices.

Regular	28.900
Overtime	0.000
Double Time	0.000
Total Hours	28.900

Regular	138.350
Overtime	0.000
Double Time	0.000
Total Hours	138.350



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: PROPOSED AMENDMENTS TO POLICIES 170, 180, 185 and 1020

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Staff recommends the Board discuss and consider proposed amendments to Policy 170, 180, 195 and 1020 for approval and holding the first reading.

Background

Proposed amendments to Policy 170, 180, and 185 were provided by legal counsel. Policy 1020 Code of Conduct contains proposed amendments and appeared to be the best fit for linkage to Policy 170/180/185. It was intended that these be included at the July meeting; however, a proper process for Board review of these important policies was in progress along with workload constraints due to: payment dispute, finance system review/corrections, public safety building and daily administrative activities prior to the assistance of administrative and finance support.

In drafting the Policy 1020 Code of Conduct proposed amendments, staff recognized that a suggested amendment was provided to the Board of Directors in May. It was an oversight and not intended to disregard the effort put forth. Staff can utilize that language in the standard format (redline and clean), incorporate some or all of the staff proposed amendments, or look to policies of other Districts. Those attached as samples offer policies, or components thereof, that staff consider to be clear and easily readable; however, welcomes Board feedback and/or direction.

Fiscal Impact

There is no fiscal impact.

Attachments:

- Policy 170 Discrimination, Harassment and Retaliation Prevention (redline and clean)
- Policy 180 Complaint and Investigation Procedures (redline and clean)
- Policy 185 Training Requirements (redline and clean)
- Policy 1020 Code of Conduct (redline and clean)
- Code of Conduct Proposed 5/13/2020
- Fire District Samples: Groveland, Mendocino, Moraga-Orinda, and Novato

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Policy Number and Title 170 Discrimination, Harassment, and Retaliation Prevention

170.10 Establishment and Purpose.

The Kensington Fire Protection District (“District”) is committed to providing and maintaining a respectful and inclusive work environment that is free from discrimination and harassment based on a protected category, and an environment free from retaliation for participating in any protected activity covered by this policy. In accordance with this commitment, it is the policy of the District to provide equal employment opportunities to all employees and applicants for employment.

Accordingly, the Kensington Fire Protection District hereby adopts this Discrimination, Harassment, and Retaliation Prevention Policy (“DHR Policy”) in order to reaffirm the District’s commitment to preventing and correcting unlawful discrimination, harassment, and retaliation in the workplace; to provide equal employment opportunities to all employees and applicants for employment; to define discrimination, harassment, and retaliation prohibited under this policy; and to set forth procedures and guidelines for investigating and resolving complaints of conduct prohibited by this policy.

The DHR Policy is intended to describe the District’s procedures regarding compliance with state and federal laws and regulations. Nothing in the DHR Policy is intended to be in conflict with such laws and regulations, or inconsistent with other personnel policies maintained by the District including, but not limited to, the Employee Handbook or the Code of Conduct. Should any conflict exist as to the District’s personnel policies, the DHR Policy shall supersede.

170.20 Basis of Authority.

In accordance with Policy No. 1030 of the Policy Handbook, the Board of Directors (“Board”) is the unit of authority within the District.

Effective [REDACTED], 2020, the Board of Directors hereby adopts the Discrimination, Harassment, and Retaliation Prevention Policy and the provisions contained herein.

170.30 Protected Categories and Protected Activities.

It is the District’s policy to provide a workplace free of unlawful discriminatory or harassing conduct. As such, the District prohibits discrimination or harassment based on any of the following categories: race, color, religion, creed (including religious dress and grooming practices), national origin, ancestry, citizenship status, physical or mental disability, medical condition (including HIV/AIDS, cancer, or a record or history of cancer), genetic information or genetic characteristics, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, sexual

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orientation, age (40 years and over), veteran and/or military status, political activities or affiliations, status as a victim of domestic violence, assault, or stalking, protected medical leaves (requesting or being approved for leave due to one's own serious health condition or to care for one's family), and any other status protected by state or federal law ("**protected categories**" or "**protected characteristics**").

170.31 This policy applies to all aspects of employment, including, but not limited to hiring, job assignment, compensation, promotion, benefits, training, discipline, and termination. Reasonable accommodation may be available for qualified individuals with disabilities or religious beliefs or practices, as defined by law.¹

170.32 In addition, the District prohibits retaliation against a person who engages in activities protected under this policy, such as: reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy ("**protected activities**").

170.40 **Scope of Protection.**

The DHR Policy applies to all District employees² (co-workers, supervisors, and managers), applicants, interns, volunteers, contractors, and elected or appointed officials in the workplace. In addition, the DHR Policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from District premises, such as a business trip or business-related social function.

All employees, as well as any individual who comes in contact with such employees, are expected to support the District's anti-discrimination, anti-harassment, anti-retaliation, and equal employment opportunity policies, and to take all steps necessary to maintain a workplace free from discrimination, harassment, and retaliation.

Discriminatory or harassing conduct by or towards any employee, applicant, or anyone who comes into contact with a District employee in the course of their employment will not be tolerated. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of their employment. The District will take appropriate corrective action to remedy any policy violations made by an intern, volunteer, contractor, elected or appointed official, or any other person with whom the District has a business, service, or professional relationship.

170.50 **Responsibilities and Rights.**

¹ The District recognizes and supports the obligation to reasonably accommodate employees with disabilities or religious beliefs or practices in order to allow those employees to perform the essential functions of their jobs. If an employee believes they need a reasonable accommodation based on disability or a religious belief or practice, the employee should discuss the matter with their supervisor or the General Manager.

² Hereinafter, as used in the DHR Policy, "employees" includes interns, volunteers, contractors, and elected or appointed officials in the workplace.

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170.51 All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment, and retaliation. Employees are encouraged to promptly report conduct that they believe violates the DHR Policy so that the District has an opportunity to address and resolve any concerns.

170.52 Managers and supervisors³ are required to promptly report conduct that they believe violates the DHR Policy. All managerial and supervisory employees must report any complaints of misconduct to the General Manager or their designee. The District is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

170.53 All District employees have the following rights:

170.531 The right to a discrimination, harassment, and retaliation-free work environment.

170.532 The right to file a complaint of discrimination, harassment, or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.

170.533 The right to a full, impartial and prompt investigation by a District representative or designee into allegations of conduct that would violate this policy.

170.534 The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or a respondent in the investigation.

170.535 The right to be represented by a person of the complainant's choosing at each and all steps of the complaint process.

170.536 The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process.

170.537 The right to file a complaint directly with the California Department of Fair Employment and Housing, the federal Equal Employment Opportunity Commission or other appropriate state or federal agencies, or to file a civil action in the appropriate court.

170.60 Prohibited Conduct.

Discrimination or harassment based solely, or in part, on an individual's protected characteristic or association with a member of a protected category, as defined in Policy No. 170.30, is expressly prohibited. In addition, the District also prohibits retaliation

³ "Managers" or "supervisors" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action.

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against a person engaging in any protected activities, as defined in Policy No. 170.32. The definition of what constitutes discrimination, harassment, and retaliation for purposes of this DHR Policy is provided in further detail below.

Conduct need not rise to the level of a violation of law to violate this policy. A single act can violate the DHR Policy and provide grounds for discipline or other appropriate corrective actions. When the District determines that this policy has been violated, it will take immediate and appropriate action to remedy and prevent such discrimination or harassment in the workplace, in the conduct of employment, or other personnel practices of the District, which may include discipline, up to and including termination. In addition, any employee found to have retaliated against another employee who engages in any protected activities as defined by this policy shall be subject to disciplinary action, up to and including termination.

170.70 Discrimination.

As used in the DHR Policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment, including discrimination based solely, or in part, on the employee or applicant's protected characteristic, as provided in Policy No. 170.30.

170.71 Discrimination includes any adverse employment action or differential treatment of an employee or other person doing business with the District based on the individual's protected characteristic. In addition, prohibited discriminatory conduct under this policy also includes unequal treatment based upon the employee or applicant's association with a member of these protected categories or classes.

170.72 Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of a protected characteristic; allowing the applicant's or employee's protected characteristic to be a factor in hiring, promotion, compensation or other employment-related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

170.80 Harassment.

Harassment under this policy is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories provided in Policy No. 170.30.

Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another

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person, blocking someone's way, making physical contact in an unwelcome manner, etc.).

170.81 Sexual Harassment

As used in this policy, sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, and gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Some examples of sexual harassment are:

170.811 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

170.812 Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, e-mail, faxes, or gestures;

170.813 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work directed at an employee because of the employee's sex or other protected characteristic;

170.814 Use of social media to conduct sexual advances and or harassment;

170.815 Threats and demands to submit to sexual requests in order keep one's job or avoid some other loss, and offers of employment benefits in return for sexual favors;

170.816 Retaliation for having reported or threatened to report unlawful harassment.

170.82 Sexual harassment is generally categorized into two types:

170.821 Quid Pro Quo ("this for that")

1. Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

170.822 Hostile Work Environment

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This type of sexual harassment is defined as conduct of a sexual nature, or on the basis of sex, by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. Examples include:

- Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
- Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
- Leering, obscene or vulgar gestures or making sexual gestures.
- Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
- Impeding or blocking movement, unwelcome touching or assaulting others.
- Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

170.90 Retaliation.

170.91 The District values its employees and has an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct. Accordingly, the District will not retaliate against any employee who files a good faith complaint because of their belief that someone or they themselves were subjected to workplace discrimination or harassment in violation of the DHR Policy.

170.92 As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. "Protected activities" may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

170.93 An "adverse employment action" is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

170.94 Examples of retaliation under this policy include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a

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violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation; or not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

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POLICY NUMBER:
170

POLICY TITLE
Discrimination, Harassment, and Retaliation Prevention

170.10 Establishment and Purpose.

The Kensington Fire Protection District (“District”) is committed to providing and maintaining a respectful and inclusive work environment that is free from discrimination and harassment based on a protected category, and an environment free from retaliation for its participating in any protected activity covered by this policy. In accordance with this commitment, it is the policy of the District to provide equal employment opportunities to all employees that is free of harassment. and applicants for employment.

Accordingly, the Kensington Fire Protection District hereby adopts this Discrimination, Harassment, and Retaliation Prevention Policy (“DHR Policy”) in order to reaffirm the District’s commitment to preventing and correcting unlawful discrimination, harassment, and retaliation in the workplace; to provide equal employment opportunities to all employees and applicants for employment; to define discrimination, harassment, and retaliation prohibited under this policy; and to set forth procedures and guidelines for investigating and resolving complaints of conduct prohibited by this policy.

The DHR Policy is intended to describe the District’s procedures regarding compliance with state and federal laws and regulations. Nothing in the DHR Policy is intended to be in conflict with such laws and regulations, or inconsistent with other personnel policies maintained by the District including, but not limited to, the Employee Handbook or the Code of Conduct. Should any conflict exist as to the District’s personnel policies, the DHR Policy shall supersede.

170.20 Basis of Authority.

In accordance with Policy No. 1030 of the Policy Handbook, the Board of Directors (“Board”) is the unit of authority within the District.

Effective [REDACTED], 2020, the Board of Directors hereby adopts the Discrimination, Harassment, and Retaliation Prevention Policy and the provisions contained herein.

170.30 Protected Categories and Protected Activities.

It is the District’s policy to provide a workplace free of unlawful discriminatory or harassing conduct. As such, the District prohibits ~~sexual~~ discrimination or harassment and harassment because based on any of the following categories: race, color, religion, creed (including religious creed, color, dress and grooming practices), national origin or ancestry, citizenship status, physical or mental disability, medical condition, marital

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status, age (including HIV/AIDS, cancer, or a record or history of cancer), genetic information or genetic characteristics, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, sexual orientation or any other basis protected by federal, state or local, age (40 years and over), veteran and/or military status, political activities or affiliations, status as a victim of domestic violence, assault, or stalking, protected medical leaves (requesting or being approved for leave due to one's own serious health condition or to care for one's family), and any other status protected by state or federal law ("protected categories" or "protected characteristics").

~~170.~~, ordinance or regulation. **31** This policy applies to all aspects of employment, including, but not limited to hiring, job assignment, compensation, promotion, benefits, training, discipline, and termination. Reasonable accommodation may be available for qualified individuals with disabilities or religious beliefs or practices, as defined by law.¹

~~170.~~ persons involved in the operation of the District and **32** In addition, the District prohibits harassment by retaliation against a person who engages in activities protected under this policy, such as: reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy ("protected activities").

170.40 Scope of Protection.

The DHR Policy applies to all District employees² (co-workers, supervisors, and managers), applicants, interns, volunteers, contractors, and elected or appointed officials in the workplace. In addition, the DHR Policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from District premises, such as a business trip or business-related social function.

All employees, as well as any individual who comes in contact with such employees, are expected to support the District's anti-discrimination, anti-harassment, anti-retaliation, and equal employment opportunity policies, and to take all steps necessary to maintain a workplace free from discrimination, harassment, and retaliation.

Discriminatory or harassing conduct by or towards any employee of the District, applicant, or anyone who comes into contact with a District employee in the course of their employment will not be tolerated. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of their employment. The District

¹ The District recognizes and supports the obligation to reasonably accommodate employees with disabilities or religious beliefs or practices in order to allow those employees to perform the essential functions of their jobs. If an employee believes they need a reasonable accommodation based on disability or a religious belief or practice, the employee should discuss the matter with their supervisor or the General Manager.

² Hereinafter, as used in the DHR Policy, "employees" includes interns, volunteers, contractors, and elected or appointed officials in the workplace.

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will take appropriate corrective action to remedy any policy violations made by an intern, volunteer, contractor, elected or appointed official, or any other person with whom the District has a business, service, or professional relationship.

170.50 Responsibilities and Rights.

170.51 All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment, and retaliation. Employees are encouraged to promptly report conduct that they believe violates the DHR Policy so that the District has an opportunity to address and resolve any concerns.

170.52 Managers and supervisors³ are required to promptly report conduct that they believe violates the DHR Policy. All managerial and supervisory employees must report any complaints of misconduct to the General Manager or their designee. The District is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

170.53 All District employees have the following rights:

170.531 The right to a discrimination, harassment, and retaliation-free work environment.

170.532 The right to file a complaint of discrimination, harassment, or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.

170.533 The right to a full, impartial and prompt investigation by a District representative or designee into allegations of conduct that would violate this policy.

170.534 The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or a respondent in the investigation.

170.535 The right to be represented by a person of the complainant's choosing at each and all steps of the complaint process.

170.536 The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process.

170.537 The right to file a complaint directly with the California Department of Fair Employment and Housing, the federal Equal Employment Opportunity

³ "Managers" or "supervisors" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action.

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Commission or other appropriate state or federal agencies, or to file a civil action in the appropriate court.

170.60 ~~170.20~~ **Prohibited Conduct.**

Discrimination or harassment based solely, or in part, on an individual's protected characteristic or association with a member of a protected category, as defined in Policy No. 170.30, is expressly prohibited. In addition, the District also prohibits retaliation against a person engaging in any protected activities, as defined in Policy No. 170.32. The definition of what constitutes discrimination, harassment, and retaliation for purposes of this DHR Policy is provided in further detail below.

Conduct need not rise to the level of a violation of law to violate this policy. A single act can violate the DHR Policy and provide grounds for discipline or other appropriate corrective actions. When the District determines that this policy has been violated, it will take immediate and appropriate action to remedy and prevent such discrimination or harassment in the workplace, in the conduct of employment, or other personnel practices of the District, which may include discipline, up to and including termination. In addition, any employee found to have retaliated against another employee who engages in any protected activities as defined by this policy shall be subject to disciplinary action, up to and including termination.

170.70 Discrimination.

As used in the DHR Policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment, including discrimination based solely, or in part, on the employee or applicant's protected characteristic, as provided in Policy No. 170.30.

170.71 Discrimination includes any adverse employment action or differential treatment of an employee or other person doing business with the District based on the individual's protected characteristic. In addition, prohibited discriminatory conduct under this policy also includes unequal treatment based upon the employee or applicant's association with a member of these protected categories or classes.

170.72 Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of a protected characteristic; allowing the applicant's or employee's protected characteristic to be a factor in hiring, promotion, compensation or other employment-related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

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170.80 Harassment.

Harassment under this policy is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories provided in Policy No. 170.30.

Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner, etc.).

170.81 Sexual Harassment Definition Examples. Sexual harassment manifests itself in many forms. The following are a few Harassment

As used in this policy, sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, and gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Some examples of sexual harassment are:

~~170.21~~ Written: sexually suggestive or obscene letters, notes or invitations.

170.811

~~170.22~~ Verbal: sexually derogatory comments, slurs, jokes, remarks or epithets.

~~170.23~~ Visual: leering, making sexual gestures, or displaying sexually suggestive objectives, pictures, cartoons or posters.

~~170.24~~ Physical: assault, attempted rape, impeding or blocking movement, or touching.

~~170.25~~ Other:

~~170.251~~ Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).

~~170.252~~ Employees who are subjected to hazing (this may include being dared or asked to perform unsafe work practices, having tools and equipment stolen, etc.)

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~~if requests for sexual favors are not met.~~

~~170.253 Employment benefits affected in exchange for sexual favors (may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).~~

~~170.254 Implying or actually withholding support for appointment, promotion, transfer or change of assignment; or initiating a rejection on probation or adverse action; or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.~~

~~170.255 Reprisals or threats after negative response to sexual advances.~~

~~170.30 Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including, but not limited to the following behavior:~~

~~170.31 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;~~

~~170.32812 Visual conduct such as derogatory and/or sexually-oriented posters, photography~~photography~~, cartoons, drawings, e-mail, faxes, or gestures;~~

~~170.33813 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work directed at an employee because of the employee's sex, ~~race~~ or any other protected ~~basis; and, characteristic;~~~~

~~170.34814 Use of social media to conduct sexual advances and or harassment;~~

~~170.815 Threats and demands to submit to sexual requests in order keep one's job or avoid some other loss, and offers of employment benefits in return for sexual favors;~~

~~170.816 Retaliation for having reported or threatened to report unlawful harassment.~~

~~170.40 If an employee of the District believes that they have been harassed, they should provide a written complaint to any member of the Board of Directors. As soon as possible thereafter, the Board will undertake an immediate, thorough and objective investigation of the harassment allegation(s).~~

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~~170.50~~ If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination.

170.82 Sexual harassment is generally categorized into two types:

170.821 Quid Pro Quo ("this for that")

1. Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

170.822 Hostile Work Environment

This type of sexual harassment is defined as conduct of a sexual nature, or on the basis of sex, by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. Examples include:

- Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
- Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
- Leering, obscene or vulgar gestures or making sexual gestures.
- Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
- Impeding or blocking movement, unwelcome touching or assaulting others.
- Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

170.90 Retaliation.

170.91 The District values its employees and has an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct. Accordingly, the District will not retaliate against any employee who files a good faith complaint because of their belief that someone or they themselves were subjected to workplace discrimination or harassment in violation of the DHR Policy.

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

170.92 As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. “Protected activities” may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

170.93 An “adverse employment action” is conduct or an action that materially affects the terms and conditions of the employee’s employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

170.94 Examples of retaliation under this policy include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone’s work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation; or not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

~~170.51~~ Whatever action is taken against the harasser will be made known to the employee lodging the complaint, and appropriate action will be taken to remedy any loss to the employee resulting from the harassment. Retaliation against anyone filing a complaint will not be permitted or tolerated.

~~170.60~~ Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

Policy Number and Title 180 Complaint and Investigation Procedures

180.10 The District shall take an affirmative role to protect its employees from discrimination, harassment, and retaliation. The District will take all reasonable efforts to resolve complaints internally.

180.20 Any employee or applicant who experiences or witnesses behavior that they believe violates the Discrimination, Harassment, and Retaliation Prevention Policy (“DHR Policy”) contained in Policy No. 170 is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

180.30 The District maintains the following procedures and guidelines when addressing potential violations of the DHR Policy. All employees, including supervisors and managers, are expected to abide by the procedures and guidelines set forth below.

1. Identify the offensive behavior to the offending employee or other person and request that the behavior cease.
2. Report the offensive behavior either orally or in writing to the employee’s supervisor, manager, or the General Manager. Any manager or supervisor who receives a complaint of harassment or discrimination must immediately report the complaint to the General Manager. Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the General Manager, their designee, or the President of the Board of Directors, and must follow that individual’s instructions as to how best to proceed.
 - a) Written complaints may be made using the Complaint Form contained in Policy No. 180.60.
 - b) If the employee directly reports to the alleged offender, the employee should report the conduct to any other supervisor, manager, or the President of the Board of Directors.
3. The General Manager, their designee, or an authorized representative of the District will promptly look into the facts and circumstances of any alleged violation, as appropriate.
4. The District shall initiate an investigation where it has reason to believe that conduct in violation of this policy has occurred. All investigations will be timely, thorough, fair, and completed by qualified personnel.

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- a) Even in the absence of a formal complaint, the District may initiate an investigation where it has reason to believe that prohibited conduct under this policy has occurred.
 - b) Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the District may need to do an environmental assessment or survey to try to determine if misconduct has occurred.
 - c) To the extent possible, the District will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the District's ability to fulfill its obligations under this policy.
 - d) All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.
5. Upon completion of the investigation, if misconduct is substantiated, the District shall take appropriate remedial action to prevent and correct misconduct and unlawful behavior, up to and including formal discipline where warranted.

To submit a complaint or report of an alleged violation of the Discrimination, Harassment, and Retaliation Prevention Policy, you may contact your supervisor/manager, the General Manager or the President of the Board of Directors.

[GENERAL MANAGER'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

[BOARD PRESIDENT'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

180.40 Filing External Complaints.

Employees and applicants may file formal complaints of discrimination, harassment, or

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov

<https://www.dfeh.ca.gov>

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue 5 West,

P.O Box 36025

San Francisco, CA 94102-3661

1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)

<http://www.eeoc.gov/employees>

180.50 Preventative, Corrective, and Remedial Action

180.51 The District shall take appropriate preventative, corrective, and remedial action(s), up to and including formal discipline, against any employee(s) when an investigation has found that misconduct prohibited by the DHR Policy has occurred. If discrimination, harassment, or retaliation, as outlined in this policy, has been found to have occurred, appropriate preventative, corrective, or remedial action(s) will be promptly taken, including but not limited to the initiation of disciplinary procedures.

180.52 During the course of the investigation, the District may take interim relief measures as appropriate to ensure that any alleged harassment or discrimination does not continue, and to ensure that no retaliation occurs. Measures taken will be determined on a case-by-case basis depending on the specific circumstances of the complaint. Interim relief may include changing supervisory relationships, work locations, or reassigning or placing the accused party on paid administrative leave. The complaining party shall not be required to change work locations or assignments, however, such changes may be made at the complaining party's request.

180.53 In addition, preventative, corrective, or remedial action(s) may also include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as the District.

180.60 Complaint Form

**KENSINGTON FIRE PROTECTION DISTRICT
EMPLOYEE HANDBOOK
COMPLAINT FORM**

COMPLAINANT INFORMATION

NAME: _____

DIVISION / UNIT: _____

OFFICE LOCATION: _____

WORK PHONE: _____

IMMEDIATE SUPERVISOR: _____

Please describe the conduct that you believe violates the Discrimination, Harassment, and Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the General Manager or their designee.

PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY

Person #1 - Name: _____ **Position:** _____ **Work Location:** _____

Person #2 - Name: _____ **Position:** _____ **Work Location:** _____

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Person #3 - Name: _____ Position: _____ Work Location: _____

PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS

Witness #1 - Name: _____ Position: _____ Work Location: _____

Witness #2 - Name: _____ Position: _____ Work Location: _____

Witness #3 - Name: _____ Position: _____ Work Location: _____

HAVE YOU COMPLAINED TO ANYONE AT THE DISTRICT ABOUT THIS MATTER?

If yes, explain the situation. When did you complain, to whom, and what was the result?

Please submit to your supervisor/manager, the General Manager, or the President of the Board of Directors:

[GENERAL MANAGER'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

[BOARD PRESIDENT'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

KENSINGTON FIRE PROTECTION DISTRICT
EMPLOYEE HANDBOOK

POLICY NUMBER**180****Procedures****POLICY TITLE****Affirmative—Action Complaint and Investigation**

180.10 ~~It is the policy of the Kensington Fire Protection District that there shall be no take an affirmative role to protect its employees from discrimination, harassment, and retaliation. The District will take all reasonable efforts to resolve complaints internally.~~

~~**180.20** based upon race, national origin, religion, sex, physical handicap, veteran's status, sexual orientation, or age in any Any employee or applicant who experiences or witnesses behavior that they believe violates the Discrimination, Harassment, and Retaliation Prevention Policy ("DHR Policy") contained in Policy No. 170 is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.~~

180.30 The District maintains the following procedures and guidelines when addressing potential violations of the DHR Policy. All employees, including supervisors and managers, are expected to abide by the procedures and guidelines set forth below.

1. Identify the offensive behavior to the offending employee or other person and request that the behavior cease.
2. Report the offensive behavior either orally or in writing to the employee's supervisor, manager, or the General Manager. Any manager or supervisor who receives a complaint of harassment or discrimination must immediately report the complaint to the General Manager. Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the General Manager, their designee, or the President of the Board of Directors, and must follow that individual's instructions as to how best to proceed.
 - a) Written complaints may be made using the Complaint Form contained in Policy No. 180.60.
 - b) If the employee directly reports to the alleged offender, the employee should report the conduct to any other supervisor, manager, or the President of the Board of Directors.
3. The General Manager, their designee, or an authorized representative of the District will promptly look into the facts and circumstances of any alleged violation, as appropriate.
4. The District shall initiate an investigation where it has reason to believe that conduct in violation of this policy has occurred. All investigations will be timely, thorough, fair, and completed by qualified personnel.

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- a) Even in the absence of a formal complaint, the District may initiate an investigation where it has reason to believe that prohibited conduct under this policy has occurred.
 - b) Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the District may need to do an environmental assessment or survey to try to determine if misconduct has occurred.
 - c) To the extent possible, the District will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the District's ability to fulfill its obligations under this policy.
 - d) All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.
5. Upon completion of the investigation, if misconduct is substantiated, the District shall take appropriate remedial action, to prevent and correct misconduct and unlawful behavior, up to and including recruitment, appointment, performance evaluation, promotion, formal discipline where warranted.

To submit a complaint or report of an alleged violation of the granting of leaves, and *Discrimination, Harassment, and Retaliation Prevention Policy*, you may contact your supervisor/manager, the General Manager or the President of the Board of Directors.

[GENERAL MANAGER'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

[BOARD PRESIDENT'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

180.40 Filing External Complaints.

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Employees and applicants may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov

https://www.dfeh.ca.gov

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue 5 West,

P.O Box 36025

San Francisco, CA 94102-3661

1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)

http://www.eeoc.gov/employees

180.50 Preventative, Corrective, and Remedial Action

180.51 The District shall take appropriate preventative, corrective, and remedial action(s), up to and including formal discipline, against any employee(s) when an investigation has found that misconduct prohibited by the DHR Policy has occurred. If discrimination, harassment, or retaliation, as outlined in this policy, has been found to have occurred, appropriate preventative, corrective, or remedial action(s) will be promptly taken, including but not limited to the initiation of disciplinary or grievance action procedures.

180.52 During the course of the investigation, the District may take interim relief measures as appropriate to ensure that any alleged harassment or discrimination does not continue, and to ensure that no retaliation occurs. Measures taken will be determined on a case-by-case basis depending on the specific circumstances of the complaint. Interim relief may include changing supervisory relationships, work locations, or reassigning or placing the accused party on paid administrative leave. The complaining party shall not be required to change work locations or assignments, however, such changes may be made at the complaining party's request.

180.53 In addition, preventative, corrective, or remedial action(s) may also include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as the District.

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180.60 Complaint Form

COMPLAINT FORM

COMPLAINANT INFORMATION

NAME: _____

DIVISION / UNIT: _____

OFFICE LOCATION: _____

WORK PHONE: _____

IMMEDIATE SUPERVISOR: _____

Please describe the conduct that you believe violates the Discrimination, Harassment, and Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the General Manager or their designee.

PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY

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<u>Person #1 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>
<u>Person #2 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>
<u>Person #3 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>

PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS

<u>Witness #1 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>
<u>Witness #2 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>
<u>Witness #3 - Name:</u>	<u>Position:</u>	<u>Work Location:</u>

HAVE YOU COMPLAINED TO ANYONE AT THE DISTRICT ABOUT THIS MATTER?

If yes, explain the situation. When did you complain, to whom, and what was the result?

Please submit to your supervisor/manager, the General Manager, or the President of the Board of Directors:

[GENERAL MANAGER'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

[BOARD PRESIDENT'S NAME]
[E-MAIL ADDRESS]
[WORK PHONE NUMBER]

~~180.20~~ This policy contains two major commitments:

~~180.21~~ To recognize both a moral and legal obligation to work toward a work force composition reflecting the mix of ethnic minorities and women in the labor markets from which the District draws its staff.

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EMPLOYEE HANDBOOK

~~180.22 To make a demonstrable and deliberate effort in hiring to solicit applications from minority and women candidates in all cases where their representation is below the labor force standard.~~

KENSINGTON FIRE PROTECTION DISTRICT
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Policy Title and Number 185 Training Requirements

185.10 All District employees and elected or appointed officials are required to participate in sexual harassment and abusive conduct prevention training. The training will be aimed at increasing their understanding of, and preventing, workplace sexual harassment, as well as their role in creating an underlying culture of mutual respect in the workplace.

185.20 The training will also cover abusive conduct, or workplace bullying, and other types of prohibited harassment, such as harassment based on gender identity, gender expression, and sexual orientation. Specific components of the training will include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one witnesses behavior that is not in keeping with this policy. Employees will be trained on how to identify, investigate, report, and respond to unlawful harassment, discrimination, and retaliation in the workplace.

185.30 At a minimum, all supervisory employees are required to take two hours of training under this section every two years.

185.40 Non-supervisory employees are required to take one hour of training every two years. The District will make this training available to employees during regular working hours at no cost to the employee. Records of these training activities will be maintained in District files.

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

Policy Number and Title **1020 Standards of Conduct**

1020.10 The Board of Directors of the Kensington Fire Protection District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. These standards shall be observed to ensure that all Directors act in a manner which supports that commitment.

1020.11 Respect. Directors shall act in a professional, courteous manner respecting the dignity, style, values and opinions of each Director, staff, and members of the public..

1020.12 Responsiveness. Full participation in meetings and attentive listening to communication is encouraged.

1020.13 Integrity. Demonstrate honesty and inspire public confidence by making the needs of the District's constituents the priority of the Board of Directors.

1020.14 Policymaking. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District. The General Manager has full administrative authority for properly discharging duties within the limits of established Board policies.

1020.15 Professionalism. Directors should commit themselves to emphasizing the positive and shall refrain from abusive conduct, unprofessional remarks or verbal attacks upon the character or motives of other Directors. Directors are subject to policies contained within the Employee Handbook, as applicable.

1020.16 Focus. Directors should commit themselves to deliberating on issues, and not personalities. The presentation of the opinions of others should be encouraged. All comments should be confined to the matter being discussed by the Board of Directors.

1020.17 Cohesiveness. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting the action and not creating barriers or speaking against the action. Directors has no individual authority and may not commit the District to any policy, act, or expenditure.

1020.18 Confidentiality. Directors shall maintain the confidentiality of Attorney-Client Communications, any discussions protected by the Attorney-Client Privilege Closed Session discussions, and the information provided in the Closed Session.

1020.20 The work of the District is a united effort. All individuals should work together in

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

the collaborative process, assisting each other in conducting the affairs of the District.

1020.21 When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels.

1020.22 Directors should develop a working relationship with the General Manager and the Fire Chief wherein current issues, concerns and District projects can be discussed comfortably and openly.

1020.23 Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

1020.24 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

POLICY NUMBER	POLICY TITLE
1020	<u>Standards Code of Conduct</u>

1020.10 The Board of Directors of the Kensington Fire Protection District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. ~~In order to~~ These standards assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed ~~to ensure that all Directors act in a manner which supports that commitment.~~

1020.11 Respect. Directors shall act in a professional, courteous manner respecting ~~t~~ The dignity, style, values and opinions of each Director, staff, and members of the public. ~~shall be respected.~~

1020.12 Responsiveness. Full participation in meetings and attentive listening to communication is encouraged.

1020.13 Integrity. Demonstrate honesty and inspire public confidence by making ~~t~~ The needs of the District's constituents ~~should be~~ the priority of the Board of Directors.

1020.14 Policymaking. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District. The General Manager has full administrative authority for properly discharging duties within the limits of established Board policies.

1020.15 Professionalism. Directors should commit themselves to emphasizing the positive and shall refrain from abusive conduct, unprofessional remarks or verbal attacks upon the character or motives of other Directors, ~~avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.~~ Directors are subject to policies contained within the Employee Handbook, as applicable.

1020.16 Focus. Directors should commit themselves to deliberating ~~focus~~ on issues, and not personalities. The presentation of the opinions of others should be encouraged. All comments should be confined to the matter being discussed by the Board of Directors. ~~Cliques and voting blocks based on personalities rather than issues should be avoided.~~

1020.17 Cohesiveness. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting thesaid action and not creating barriers or speaking against ~~the implementation of thesaid~~ action. Directors has no individual authority and may not commit the District to any policy, act, or expenditure.

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

1020.18 Confidentiality. Directors shall maintain the confidentiality of Attorney-Client Communications, any discussions protected by the Attorney-Client Privilege Closed Session discussions, and the information provided in the Closed Session..

1020.20 The work of the District is a team-united effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

1020.21 When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels.

1020.22 Directors should develop a working relationship with the General Manager and the Fire Chief wherein current issues, concerns and District projects can be discussed comfortably and openly.

1020.23 Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

1020.24 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

CODE OF CONDUCT

A. Basic responsibilities of individual directors:

1. To be familiar with the laws and policies governing the district.
2. To understand the nature of fire protection services.
3. To be familiar with district finances.
4. To maintain regular attendance at board meetings. Board members should be on time and stay for the entire meeting. If they are unable to attend or know they will be arriving late or leaving early, they should advise the President.
5. To support decisions made by the board, even if there is individual disagreement with those decisions.
6. To be current on required CSDA ethics and sexual harassment training and recommended FEMA training.

B. Required conduct: In order to ensure cooperation and a good working relationship among board members, the following rules should be observed:

1. The dignity, style, values and opinions of each board member shall be respected.
2. Responsiveness and attentive listening in communication is encouraged.
3. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable, uncivil, or disparaging of others. Once the board takes action, board members should commit to supporting the action and not create barriers to the implementation of the action.
4. Board members should function as a part of the whole. Issues should be brought to the attention of the board as a whole, rather than to individual members selectively.
5. Board members should refuse to participate in meetings that do not conform to the Brown Act.
6. An individual board member may not commit, nor represent that they commit, the district to any policy, act or expenditure.
7. The basic function of the board is policy and not administration.
8. The general manager has full administrative authority for properly discharging duties within the limits of established board policies.
9. District constituents have the right to be heard at official meetings within established parameters and guidelines for public testimony.
10. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at board meetings and public sessions.

RESOLUTION NO. 11-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE MORAGA-ORINDA FIRE DISTRICT
ADOPTING RULES OF PROCEDURE FOR BOARD MEETINGS
AND RELATED FUNCTIONS AND ACTIVITIES**

WHEREAS, the Board of Directors ("District Board") of the Moraga-Orinda Fire District ("District") has previously adopted Rules of Procedure to govern the conduct of its meetings and related functions and activities through Resolution Number 07-02; and

WHEREAS, the District Board desires to amend its Rules of Procedure for purposes of clarification, and replace the District's existing Rules of Procedure.

NOW, THEREFORE, **BE IT RESOLVED** that the District Board does hereby repeal Resolution Number 07-02 relating to the adoption of Rules of Procedure and related functions and activities within the District.

BE IT FURTHER RESOLVED that the District Board does hereby adopt the following Rules of Procedure for District Board meetings and related functions and activities:

PURPOSE: The purpose and intent of the District Board in adopting these rules is to provide directory, as opposed to mandatory, guidelines relating to the conduct of the public business by or on behalf of the District Board, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law. These procedures are intended to supplement and implement provisions of the Ralph M. Brown Act, Government Code section 54950 et seq., (the "Brown Act").

1. MEETINGS

1.1 REGULAR MEETING:

The District Board shall hold regular meetings located at the Moraga-Orinda Fire District at 1280 Moraga Way, Moraga, California 94556, on the third Wednesday of each month beginning at 7:00 p.m. When the day for a regular meeting of the District Board falls on a legal holiday, the District Board, at the preceding meeting, shall determine the time and date of any rescheduled meeting.

1.2 ADJOURNED MEETINGS:

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting, in compliance with the Brown Act Section 54955. Once adjourned, the meeting may not be reconvened. Whenever a regular or adjourned meeting is adjourned as provided in this section, the resulting adjourned meeting is a regular meeting for all purposes.

1.3 SPECIAL AND EMERGENCY MEETINGS:

Special and emergency meetings shall be held and noticed in compliance with the Brown Act Sections 54956 and 54956.5

Special Meetings may be called by the Board President or majority of Board Members on

24-hours notice, as set forth in the Government Code section 54956. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. Only matters contained in the notice may be considered.

1.4 QUORUM:

Unless otherwise provided for in District Ordinance, a majority of the District Board shall be sufficient to do business and motions may be passed by a vote of 2-1 if only 3 Board Members attend. The following matters, however, require three affirmative votes: a) adoption of ordinances, b) resolutions granting franchises, and c) orders for payment of money.

1.4.1 Legally Required Participation:

If a majority of the District Board shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the District Board shall select by lot or other means of random selection, or by such other impartial and equitable means as the District Board shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. The selected disqualified members may vote, but may not participate in discussion or deliberation on the item.

1.5 MEETINGS TO BE PUBLIC:

All regular, adjourned, special, and emergency meetings of the District Board shall be open to the public, provided, however, the District Board may hold closed sessions from which the public may be excluded for the consideration of matters authorized by the Brown Act, which include, but are not presently limited to, personnel matters, negotiations for the sale or purchase of real property, attorney-client consultation concerning existing and potential litigation.

2. ORDER OF BUSINESS

2.1 AGENDA:

In order to facilitate the orderly conduct of the business of the District Board, the Board Clerk shall prepare an agenda for each Board Meeting in accordance with the Order of Business set forth in Section 2.1.1. The Agenda prepared by the Board Clerk shall, at a minimum, include:

1. The date of the meeting.
2. The time of the meeting.
3. The location of the meeting.
4. A specified period of time for members of the public to address the District Board on items of interest to the public that are within the jurisdiction of the District Board.
5. A specified section under which Board Members and District Staff may present information-only reports.

2.1.1 The Order of Business of each meeting shall be as contained in the Agenda prepared by the Board Clerk. The Agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CLOSED SESSION
5. RECONVENE THE MEETING
6. REPORT OF CLOSED SESSION ACTION
7. PUBLIC COMMENT
8. CONSENT AGENDA
9. REGULAR CALENDAR
10. COMMITTEE REPORTS
11. ANNOUNCEMENTS
12. ADJOURNMENT

2.1.2 On a majority vote of the District Board, items may be taken out of the order prescribed above, so long as there is no discernible prejudice to the right of the public to be heard on the matter.

2.1.3 No matters other than those on the agenda shall be finally acted upon by the District Board; provided, however, that the District Board may take action on items of business which do not appear on the posted agenda under any of the following conditions or circumstances.

(1) Upon a determination by a majority vote of the District Board that an emergency situation exists, as defined in the Brown Act Section 54956.5;

(2) Upon a determination by a two-thirds vote of the District Board, or, if less than two-thirds of the members are present, by a unanimous vote of those members present, that the need to take immediate action arose subsequent to the Agenda having been posted;

(3) The item was posted for a prior meeting of the District Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is proposed to be taken.

2.2 DELIVERY OF AGENDA:

The Agenda for each regular meeting of the District Board, and reports and other documentation related thereto, shall be delivered to the Board Members and made available to the public on the Friday preceding the Wednesday meeting to which it pertains. In respect to every regular meeting, the Agenda shall conform to the Brown Act Section 54954.2 and shall be posted at least 72 hours prior to the time scheduled for the meeting. Agendas shall be posted on the windows outside the administrative offices of the District located at 33 Orinda Way, and at such other places within the District as the District Board has designated for posting notices of District Board meetings.

2.3 ROLL CALL:

Before proceeding with the business of the District Board, the names of those present shall be entered in the minutes. No formal roll call need be taken.

2.4 APPROVAL OF MINUTES:

Unless requested by a majority of the District Board, minutes of the previous meeting may be approved without public reading if the Board Clerk has previously furnished each Board Member with a copy thereof.

2.5 PUBLIC HEARINGS:

Generally, public hearings (such as Public Hearing on Fire Code Adoption, Public Hearing on Exterior Hazard Control Notices - Weed Abatement, Public Hearing Contesting Weed Abatement Notification), other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Review
- Questions of Staff by District Board
- Hearing opened by Board President
- Preliminary Board Comments
- Testimony by proponents
- Testimony by opponents
- Public Comments
- Rebuttal by proponents
- Questions by District Board
- Discussion by District Board
- Proposed Action by District Board
- Public Comment on Proposed Action by District Board
- Closing of Hearing
- Final Action by District Board

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Board President may at the beginning of the hearing limit testimony, but in no event to less than three minutes per individual. Any person may speak for a longer period of time, upon approval of the District Board, when this is deemed necessary in such cases as when a person is speaking as representative of a group or has graphic or slide presentations requiring more time.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the District Counsel shall advise the District Board in this regard.

At any public hearing before the District Board, testimony of witnesses under oath may be requested by the District Board.

2.6 PUBLIC COMMENT:

Public comment on any item not otherwise appearing on the agenda is invited during the Public Comment.

If the matter brought before the Board requires a collective decision by a majority of the

members of the Board, the matter may be received and then forwarded to staff, a Director or Board Committee for recommendation and report at a subsequent meeting. This procedure is necessary in order to comply with the Brown Act. Items brought under this category may be limited to ten (10) minutes per subject and three (3) minutes per speaker. The name and address of the speaker will be asked to be stated for the record.

2.7 CONSENT AGENDA:

Items of routine nature, and non-controversial, shall be placed on the Consent Agenda. All items may be approved by one blanket motion upon unanimous consent. Prior to, or following review of, the Consent Agenda by the District Chief, any Board Member may request that any item be withdrawn from the Consent Agenda for separate consideration. Any member of the public may request any Board Member to withdraw a Consent Agenda item from Board consideration. However, any Board Member may abstain from voting on any Consent Agenda item without requesting its removal from the Consent Agenda, and the Board Clerk shall be instructed to record such abstentions in the minutes.

2.8 PARTICIPATION BY MEMBERS OF THE DISTRICT BOARD IN AGENDA SETTING:

The President or any District Board Member may bring before the District Board any new business under the Announcements portion of the agenda for the purpose of agendaizing and not discussing, but formal action such matters shall be deferred until a subsequent District Board meeting unless deemed to be of an urgent nature.

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

The Board President shall be the Presiding Officer, also referred to herein as "Chair", at all meetings of the District Board. In the absence of the Board President, the Board Vice-President shall preside. In the absence of both the Board President and the Board Vice President, the District Board Secretary shall act as the presiding officer to serve until the arrival of the Board President or Board Vice President or until adjournment.

3.2 CALL TO ORDER:

The meeting of the District Board shall be called to order by the Board President or, if absent, by the Board Vice President. In the absence of both the Board President and the Board Vice President, the meeting shall be called to order by the Board Secretary.

3.3 PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Board Members, and the Presiding Officer shall not be deprived of any of the rights and privileges of a Board Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the District Board, the Presiding Officer should consider turning the Chair over to another member.

3.4 QUESTION TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.5 SIGNING OF DOCUMENTS:

The Board President, or Board Vice President, in the absence of the Board President, shall sign ordinances and resolutions adopted by the District Board. The Board Clerk or Deputy Board Clerk shall attest to the signature of the Board President or Board Vice President.

3.6 MAINTENANCE OF ORDER:

The Board President or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

4. RULES, DECORUM AND ORDER

4.1 POINTS OF ORDER:

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the District Board. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER - BOARD MEMBERS:

(a) Any Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine remarks to the question under debate.

(b) A Board Member desiring to question the staff shall address questions to the District Chief or District Counsel, in appropriate cases, who shall be entitled either to answer the inquiry himself or to designate some member of staff for that purpose.

(c) A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Board Member; or unless the speaker chooses to yield to questions from another Board Member.

(d) Any Board Member called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Board member shall be permitted to proceed. If ruled to be not in order, the Board member shall remain silent or shall alter remarks so as to comply with rules of the District Board.

(e) Board Members shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the District Board and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

(f) Any Board Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the District Board shall require the Presiding Officer to so act.

4.3 DECORUM AND ORDER - EMPLOYEES:

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to members of the District Board. The District Chief shall insure that all District employees observe such decorum. Any staff members including the District Chief, desiring to address the District Board or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Board Member or member of the public.

4.4 DECORUM AND ORDER - PUBLIC:

Members of the public attending District Board meetings shall observe the same rules or order and decorum applicable to the District Board. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the District Board or while attending the District Board meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the District Board. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM:

District Chief or designee shall be ex-officio sergeant-of-arms of the District Board. The ex-officio sergeant-of-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Board Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-of-arms or another representative to eject any person from the District Board Chambers or place the individual under arrest or both.

As set forth in the Brown Act Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the District Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the District Board from establishing procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

4.6 PERSONAL PRIVILEGE:

A District Board Member may request a point of personal privilege, requesting the immediate consideration of a matter affecting the comfort, safety or orderliness of a member.

4.7 CONFLICT OF INTEREST:

All Board Members are subject to the provisions of California Law, including, but not limited to, California Government Code, section 1090 *et seq.* relative to conflicts of interest, and to conflicts of interest codes as may be adopted by the District Board and to the provisions of Government Code section 87100 *et seq.* relative to certain defined financial interests prohibiting participation in District decisions. Any Board Member prevented from voting because of a conflict of interest or a declared financial interest shall refrain from debate and voting on the included matter. Such Board Member must leave the District Chambers during debate and voting on the issue, except as may be allowed as a private citizen.

4.8 LIMITATION OF DEBATE:

No Board Members normally should speak more than once upon any one subject until every other Board Member choosing to speak thereon has spoken.

4.9 DISSENTS, PROTESTS, AND COMMENTS:

Any Board Member shall have the right to express dissent from or protest to or comment upon any action of the District Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

4.10 PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

4.11 RULINGS OF PRESIDENT ARE FINAL UNLESS OVERRULED:

In presiding over District Board meetings, the Board President, Board Vice President, or temporary Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

4.12 ACTIONS NOT INVALIDATED:

Failure to strictly comply with these Rules of Procedure shall not necessarily invalidate any action taken by the District Board.

5. PROCEDURES FOR BOARD ACTION ON AGENDIZED ITEMS

5.1 The Board shall take input from staff and other invited experts and ask questions for clarification.

5.2 The Board shall discuss the item on the agenda and may ask further questions of staff or other invited experts.

5.3 The Board shall invite comments or questions from the public relative to that agenda item. A limitation of three (3) minutes may be imposed upon each person so desiring to address the Board.

5.4 A motion is made and seconded if an action is intended to occur.

5.5 The Board shall invite comments or questions from the public relative to that motion. A limitation of three (3) minutes may be imposed upon each person so desiring to address the Board.

5.6 The Board deliberates on the motion.

5.7 The Board votes.

6. ADDRESSING THE DISTRICT BOARD

6.1 MANNER OF ADDRESSING THE DISTRICT BOARD:

Any member of the public desiring to address the District Board shall wait to be recognized by the Presiding Officer. After being recognized, he or she shall state his or her name and address for the record.

All remarks and questions shall be addressed to the Chair and not to any individual District Board Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

6.2 TIME LIMITATION:

Any member of the public desiring to address the District Board may be required to limit his or her address to three (3) minutes unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 2.5.

6.3 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS:

The making of oral communications to the District Board by any member of the public during the Public Comment portion of the Agenda shall be subject to the following limitations:

6.3.1 At any time, before or after the oral communication is commenced, the Presiding Officer may if he deems it preferable, direct that the communication be made instead either to the District Chief or other appropriate staff member during regular business hours or in writing for subsequent submittal to Board Members, pursuant to Section 6.5.

6.3.2 The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. Those whose presentations are postponed shall be given priority at the next meeting, during the Public Comment portion of the Agenda.

6.3.3 If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups or persons who have designated a spokesperson.

6.4 WRITTEN CORRESPONDENCE

The District Chief is authorized to receive and open all mail addressed to the District Board as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring District Board action, may be disposed of between District Board meetings. A copy of such communication shall be sent to each Board Member by the appropriate means. Any communication relating to a matter pending or to be brought before the District Board shall be included in the agenda packet for the meeting at which such item is to be considered.

Letters of appeal from administrative decisions shall be processed under applicable provisions of the District ordinances.

Copies of all other communications sent to the District Board will be transmitted to all District Board Members.

6.5 PERSONS AUTHORIZED TO BE WITHIN PLATFORM:

No person except District officials shall be permitted within the platform area in front of the District Board table without the invitation or consent of the Presiding Officer.

7. MOTIONS

7.1 PROCESSING OF MOTIONS:

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

7.2 MOTIONS OUT OF ORDER:

The Presiding Officer may at any time, by majority consent of the District Board, permit a Board member to introduce an ordinance, resolution or motion out of the regular agenda order.

7.3 DIVISION OF QUESTION:

If the question contains two or more divisionable propositions, the Presiding Officer may, and upon request of a Board Member shall, divide the same.

7.4 PRECEDENCE OF MOTIONS:

When a motion is before the District Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- a. Adjourn
- b. Fix Hour of adjournment
- c. Table
- d. Limit or terminate discussion
- e. Substitute
- f. Reconsider
- g. Amend
- h. Postpone

7.5 MOTION TO ADJOURN: (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion.
- b. When made as an interruption of a Board Member while speaking.
- c. When discussion has been ended, and vote on motion is pending, and,
- d. While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

7.6 MOTION TO FIX HOUR OF ADJOURNMENT:

Such a motion shall be to set a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

7.7 MOTION TO TABLE:

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

7.8 MOTION TO LIMIT OR TERMINATE DISCUSSION:

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

7.9 MOTION TO AMEND:

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first then the main motion as amended.

7.10 MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

8. VOTING PROCEDURE

8.1 VOTING PROCEDURE:

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The Board Clerk shall call the names of all members seated when a roll call vote is ordered or required. Board Members shall respond "aye," "no" or "abstain," provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Board Member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall have his voice recorded as "aye".

8.2 ROLL CALL VOTING:

Every ordinance and any resolution or orders for franchises or payments of money require three affirmative votes. A roll call vote shall be used for these changes. Any other question before the District Board shall not require a roll call vote unless demanded by any Board Member. It shall not be in order for Board Members to explain their vote during roll call. Any Board Member may change his vote before the next order of business.

8.3 RECONSIDERATION:

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the District Board.

8.4 TIE VOTES:

Tie votes shall be lost motions. When all District Board Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the District Board takes other action to further consider the matter. If a tie vote results at a time when less than all Board Members are present the matter shall automatically be continued to the agenda of the next regular meeting of the District Board, unless otherwise ordered by the District Board.

9. RESOLUTIONS

9.1 DEFINITIONS:

Legislative acts of the District Board (usually a role of public policy for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution," generally denotes any action taken affirmatively via a vote of the District Board, other than one taken by ordinance. Three terms are in general use to denote such (non-ordinance) actions: "resolution," "minute order," and "motion" (thereafter recorded by minute entry). All three actions are equally as legally effective and binding; they just vary in the formality of respective memorialization.

The most formal is referred to locally as a "resolution" which in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used in this District for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however, the "minute order" is drafted far more briefly than a "resolution" and is distinguished from a mere minute entry only by the need in general, to have a separate document to facilitate certain administrative processes to which it pertains.

A "motion" (assuming it was one which passed) is a District Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

9.2 RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: Motion, second, discussion, vote pursuant to methods prescribed in Section 8.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any Board Member may require that the resolution be read in full.

9.3 RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the District Chief or District Counsel to prepare a resolution for presentation at the next District Board meeting.

9.4 URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.1 above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary; and shall be avoided entirely when resolutions are required by law. Where the resolution has been drafted in written form either before or during the meeting, this paragraph shall not be deemed applicable.

10. ORDINANCES

10.1 INTRODUCTION AND ADOPTION OF ORDINANCES:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board Members present, all ordinances shall be read in full either at the time of introduction or passage.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at regular or at an adjourned regular meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

10.2 EFFECTIVE DATE:

All ordinances, except as otherwise provided by law, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

10.3 PUBLISHING:

It shall be the duty of the Board Clerk to post or publish all ordinances within 15 days after adoption.

10.4 URGENCY ORDINANCES:

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

11. ELECTION OF OFFICERS

The District Board shall elect the following Officers: President, Vice President, Secretary and Treasurer on an annual basis or as may be required after a general district election. The District Board may also elect such additional officers as may be created.

12. STANDING OR AD HOC COMMITTEES

The District Board may appoint such standing or ad hoc committees as are necessary to conduct District business.

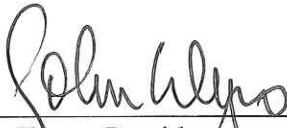
PASSED, APPROVED AND ADOPTED this 19th day of January 2011, by the following vote:

AYES: **Directors Mancinelli, Olsen, Sperling, Weil, and President Wyro**

NOES: **None**

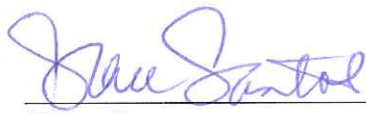
ABSENT: **None**

ABSTAIN: **None**



John Wyro, President
Board of Directors

ATTEST:



Grace Santos
Secretary to the Board

EXHIBIT A — BOARD MEMBER CODE OF ETHICS

1 OBJECTIVES

The Board of Directors of GCSO is committed to providing excellence in legislative leadership that results in the provision of the highest quality services and representation to the District's constituents. In order to assist in the government of the behavior between and among members of the Board of Directors, the following guidelines shall be observed:

1.1 Respect

The dignity, style, values and opinions of each director shall be respected.

1.2 Representation

The needs and desires of the District's constituents should be the priority of the Board of Directors.

1.3 Listening

Responsive and attentive listening in communication is encouraged.

1.4 Responsibility

The primary responsibility of the Board of Directors is the formulation and evaluation of policy as stipulated in Section 2.2 of this policy manual. Routine matters concerning the operational aspects of the District are to be delegated to the General Manager who can then delegate to professional staff members of the District.

1.5 Attitude

Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

1.6 Courtesy

Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

1.7 Issue Orientation

Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

1.8 Openness

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable.

Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

2 RECEIVING AND COMMUNICATING INFORMATION

Directors should practice the following procedures when seeking or communicating information:

2.1 Clarification

In seeking clarification on informational items, Directors may directly approach the General Manager or his/her designee to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

2.2 Complaints

In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager. If the complaint is

directed at the General Manager or one of the Directors, then the complaint shall be referred to the President for appropriate action.

2.3 Safety

In handling items related to safety, concerns for safety or hazards should be reported to the General Manager, Fire Chief or to the District office, as appropriate. Emergency situations should be dealt with immediately by seeking appropriate assistance.

2.4 Policy

In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

2.5 Staff Notes

Information that is exchanged before the meetings shall be distributed through the General Manager and all Directors will receive all information being distributed.

3 RELATIONSHIP MANAGEMENT

Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

3.1 Team Effort

The smooth working of the District is a team effort. All individuals should try to work together in the collaborative process, assisting each other in conducting the affairs of the District.

The Board of Directors functions collectively, not as individuals. Unless the Board, by formal action, delegates responsibility to one or more individual Board members, no Director has the legal

capacity to act on behalf of the District. It is extremely important that all individual Directors respect this method of functioning as a Director, and in no way act unilaterally on behalf of the Board of Directors or the District.

3.2 Constituent Requests

When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

3.3 Direct Access to Staff During Working Hours

Direct access to staff by Directors is only authorized after an appointment is made through the General Manager, in advance, with a staff member at an appropriate time as determined by the General Manager. The General Manager or his/her designee may also be present at such appointment if he/she so desires. When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor, as any other action would be considered outside the scope of a Director's responsibility and authority. The chain of command should be followed.

3.4 General Manager

Directors should develop a working relationship with the General Manager (and all other managers reporting directly to the Board) wherein current issues, concerns and District projects can be discussed comfortably and openly.

4 CONSTITUENT SATISFACTION

The Board of Directors, as the unit of authority within the District, is ultimately responsible for the District's overall performance and constituent's satisfaction.

4.1 Performance Standards

The Board of Directors is responsible for setting performance standards satisfying constituents benefiting from the District's delivery of services, while at the same time complying with all applicable laws including California Community Services District Law (Government Code Section 61000, et seq.), regulations, operating permit requirements, and the public's expectation for openness, and fair and equitable application of authority. Such standards apply to all areas under the District's authority, to include tax, price of service provided, financing capital improvements, issuance of debt, and establishing and maintaining cost efficient and effective administrative structures.

4.1.1 AB 1234 Ethics Training

Pursuant to Assembly Bill 1234, Directors shall take ethics training every two years, with a requirement that they

take their first training no later than a year after they start their first day of service with the District. If a Director becomes non-compliant with this requirement, the Director will not receive compensation for Board meeting attendance and the Director cannot serve on any Board or *ad hoc* committee until compliant.

4.2 Preparation

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from the General Manager or his/her designee, but contact among Board members concerning District affairs, outside of the meeting context, is to be avoided as such activity may be in violation of the State of California open meeting laws.

4.3 Monitoring Progress

Directors are responsible for monitoring the District's progress in meeting performance standards and attaining its goals and objectives, while pursuing its mission, and are responsible for issuing clear direction to the General Manager for all necessary course corrections required to meet such goals and objectives.

MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL
&
WATER CONSERVATION IMPROVEMENT DISTRICT

POLICY #15-01

BOARD OF TRUSTEES' POLICIES

RRFCD Board Policies - Overview

It is the intent of the Russian River Flood Control District (hereafter “RRFCD” or “District”) Board to be governed by a set of policies. The policies shall be adopted by the Board and made available as public documents.

The policies of the Board shall be drafted, adopted and amended with full consideration for the Board's desire to proactively manage the water resources of the upper Russian River for the benefit of the people and environment of Mendocino County.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the District

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, an amendment to the applicable policy shall clearly specify the intent of the Board in interpreting the policy.

In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out the legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place as necessary and at least annually at a regularly scheduled District Board meeting. Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

Boardmember Conduct Policies

Ethics Training

The Board of Directors of the RRFCD is committed to providing excellence in legislative leadership that will result in the highest quality of services to its constituents. Pursuant to AB 1234, Ethics Training for Local Officials, passed by the California Legislature on October 7, 2005, all local agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials every two years. There are numerous training options available including an on-line program that will allow local officials to satisfy the requirement of AB 1234 on a cost-free basis.

1. Board Members Meeting Participation

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and will be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members, including the President, are expected to participate fully in deliberation and voting.

2. Board Members Decorum

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum.

In order to assist in the governing of the behavior between and among members of the Board of Directors, staff and the public, the following rules shall be observed:

- The dignity, style, values and opinions of each person shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The needs of the District's constituents should be the priority of the Board of Directors.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable, uncivil, disparaging of others. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

3. Board Members Responsibility to Constituents

Board Members, individually and collectively, act as representatives of the citizens of the RRFCD in maintaining and promoting the water resources of the upper Russian River for the benefit of the people and environment of Mendocino County.

4. Board Members Action and Service

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

5. Board Members Conduct

The District Board Members shall observe the following code of conduct designed to guide their actions in carrying out their responsibilities. A District Board Member should strive to:

- Understand that his/her basic function is "policy" and not "administration";
- Refuse to make commitments on any matter which should come before the Board as a whole;
- Refuse to participate in meetings that do not conform to the Brown Act;
- Maintain the confidentiality of all closed session information and discussions;
- Recognize that he/she has no legal status to act for the Board outside of official meetings;
- Respect the rights of District constituents to be heard at official meetings within established parameters and guidelines for public testimony;
- Make decisions only after available facts bearing on a question have been presented and discussed;
- Accept the principle of "majority rule" in Board decisions;
- Recognize that the General Manager has full administrative authority for properly discharging duties within the limits of established Board policies;
- Recognize that the General Manager or designee is the technical advisor to the Board;
- Present personal criticisms, complaints or problems regarding District operations directly to the General Manager in a professional and dignified manner;
- Discuss those issues at a regular meeting;
- Declare conflicts of interest into the public record;
- Conduct all District business in an ethical manner;
- Refuse to use his/her position on the Board in any way, whatsoever, for personal gain;
- Give staff and contemporaries the respect and consideration due skilled professional personnel;

The District has policy and procedures governing harassment, discrimination and retaliation in the workplace;

It is the policy of the District to establish and maintain a work environment free of all forms of harassment, discrimination and retaliation. Such behaviors are unacceptable and will not be condoned or tolerated on the part of any employee or boardmember. All Directors must be familiar with and in compliance of the District's Policy prohibiting such behaviors. All new Directors shall participate in Harassment, Discrimination and Retaliation Training within one year of joining the Board if they have not already done so. All Directors should take Harassment training at least once every two years. The Clerk of the Board shall maintain records of such.

6. Board Member Responsibilities

The work of the District is a team effort. All individuals shall work together in the collaborative process, assisting each other in conducting the affairs of the District. When responding to constituent requests and concerns, Directors shall be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors function as a part of the whole. As such, issues shall be brought to the attention of the Board as a whole, rather than to individual members selectively.

7. Board Member Discipline

Censure: The Board reserves the right to censure, criticize, disapprove, or condemn actions taken by individual Board members if their actions exceed the grounds of authority conferred upon Board members by the law or, if by their actions, they fail to fulfill their fiduciary duty to the District.

The right to censure a fellow elected official is established by case law. Censure is a disciplinary matter and, as such, the person who is proposed for censure has a right to due process (i.e. hearing on the charges).

Conduct worthy of censure may include but is not limited to:

- disruption of meetings (shout, use profanity, engage in personal attacks against fellow directors, etc.),
- breach of confidences,
- interference with District operations,
- breach of fiduciary duties,
- improper behavior toward District employees or consultants, and
- undisclosed conflicts of interest.

The Board may also pass resolutions criticizing, disapproving, or condemning a Board member for his/her conduct and that does not require a process hearing beforehand.

8. Board and District Public Communication

Board members as elected officials have all of the rights and privileges of any private citizen to speak with the media. If a Board member finds it necessary to speak to the media regarding the District, that member should be clear that he/she is speaking as an individual Board member and not as a spokesperson for the Board. In order to speak for the Board, any individual Board member must be authorized by the Board. When speaking to the media on matters not related to the District, any Board member should clearly state that he/she is speaking as a private citizen and not as a Board member.

9. Decorum and Order - Board Members

Any Board Member desiring to speak shall address the President and, upon recognition by the President, shall confine himself/herself to the question under debate. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings and public sessions. Any Board member may invite any members of the Public to speak at a Board meeting during the period reserved for public comment. Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

10. Dissents, Protests, and Comments

Any member shall have the right to express dissent from, protest to or comment upon any action of the Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason. . .".

11. District Discrimination, Harassment and Retaliation Policy

It is the policy of the District to provide an employment environment free from discrimination, harassment or retaliation as defined by this policy and federal and state statutes such as Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Commission (EEOC) Regulations, California Government Code section 12940(h), and Department of Fair Employment & Housing (DFEH) Regulations.

Accordingly, discrimination, harassment and retaliation against an employee, applicant, individual providing services pursuant to a contract or elected official on the basis of that individual's actual or perceived sex, gender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, age, marital status, pregnancy, medical condition, genetic characteristics, and physical or mental disability is prohibited and will not be tolerated.

Any retaliation against an individual for filing a complaint under this policy or for participating in a complaint resolution process is also prohibited and will not be tolerated.

Employees who feel they have been harassed or discriminated against in any manner or retaliated against in violation of this policy should immediately report such incidents to the General Manager, Board President or Vice President. Confidentiality will be maintained to the extent permitted by the circumstances.

Where violation of this policy has been substantiated, appropriate action to remedy the violation will be taken. Elected officials, managers, supervisors or employees found responsible for the violation will be subject to disciplinary action or other appropriate sanction, up to and including termination.

The purpose of this policy is to establish a strong commitment on the part of the District to refrain from, prohibit and prevent all forms of workplace discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct, action or practice that is believed to violate this Policy as soon as possible.

Definitions:

Discrimination: Discrimination means treating individuals differently because of their protected classification as defined by this policy.

Harassment: Harassment may include, but is not limited to, the following types of conduct that is taken because of an individual's protected classification:

- Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, or even specifically directed at the victim. Sexually harassing conduct can occur between individuals of the same or different genders.
- Harassment is not limited to conduct taken only by District employees. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, individuals providing services under contracts, volunteers, or even members of the public.
- Harassment includes, but is not limited to, the following misconduct:
 - Verbal Harassment – For example, epithets, derogatory comments or slurs, references to an individual’s ethnicity and or religion. Verbal harassment may also include sexual remarks, well-intentioned compliments about an individual’s clothing, body, or sexual activities, or race oriented stories or jokes.
 - Physical Harassment – For example, assault, unwelcome touching, impeding or blocking movement and/or any physical interference with normal work or movement. This includes, but is not limited to, kissing, punching, grabbing, patting, propositioning, leering, looking an individual up and down, or making explicit or implicit job threats or promises in return for submission to physical acts.
 - Visual Forms of Harassment – For example, derogatory posters, notices, bulletins, cartoons, drawings or other advertisements. This includes, but is not limited to posters, cartoons, graffiti, magazines, videos, computer graphics, Internet sites or other electronic media.
 - Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonable interfere with an individual’s work performance or creates an intimidating, hostile, or offensive work environment. Conduct that seems innocent or trivial to one individual may constitute harassment to another individual.

Retaliation: Any adverse conduct taken because an individual has reported discrimination or harassment or has participated in the complaint and investigation process described in this policy. “Adverse conduct” includes, but is not limited to: taking sides because an individual has reported discrimination or harassment, shunning and avoiding an individual who reports discrimination or harassment or real or implied threats of intimidation to prevent an individual from reporting discrimination or harassment.

DISTRICT POLICY**11****Board of Directors and Fire Chief Roles and Responsibilities****I. MISSION STATEMENT, CORE VALUES and OPERATING PRINCIPLES**

It shall be the duty and the responsibility of the members of the Board of Directors and the Fire Chief of the Moraga-Orinda Fire District to pursue the District's adopted mission and abide by the District's core values and operating principles.

A. Mission Statement

With pride and professionalism, the Moraga-Orinda Fire District will provide the highest level of emergency and public service in response to the needs of our community.

B. Core Values and Operating Principles

- We invest in our employees both personally and professionally.
- We operate on a basis of open, honest, and constructive communication.
- We practice 360-degree respect.
- We demonstrate integrity and a shared personal responsibility for carrying out the mission of the Fire Service.
- As stewards of public funds we act in a fiscally prudent and responsible manner.
- We maximize the effectiveness of our operational readiness through active participation, effective internal coordination, and external collaboration.
- We are performance driven and practice continuous quality improvement in our business processes.
- We promote a successful quality of life for our employees and the citizens we serve.

II. BOARD OF DIRECTORS**A. General Responsibilities**

The District Board shall exercise those powers granted by California Law and carry out those statutory and delegated duties as may best meet the emergency services and life-safety requirements of the District.

B. Fire Chief Appointment

The Fire Chief shall be appointed by the District Board on the basis of administrative, operational and executive expertise and qualifications and shall serve at the pleasure of the District Board.

C. Policy Making

The District Board may request the Fire Chief to develop Ordinances, Resolutions and Policies and other measures for the District Board's consideration. Ordinances, Resolutions and Policies and other measures considered by the Board shall address legislative, budgetary, service level and/or contractual needs and requirements of the District. The Fire Chief will present Ordinances, Resolutions and Policies and other measures to the District Board for their consideration. The District Board shall consider and act on the Fire Chief's recommendations based on what they believe would be in the best interest of the District and the constituents they serve. Development and approval for administrative and operational functions of the District are delegated to the Fire Chief.

D. District Board-Fire Chief Relations

Except for the purpose of inquiry, no individual Board member shall give orders or instructions to the Fire Chief or District staff unless the Board of Directors are sitting in a duly convened meeting of the District Board. Board members have no authority at or during emergency events within the District.

E. Finance and Budget

The District Board shall set and approve all budgetary and financial District policy. The District Board shall assign two members to a Finance Committee to work with staff to review and provide guidance in budgetary and financial proposals for District Board consideration and approval. The District Board shall review and approve annual District budgets, receive and file District audits and receive and review monthly budget updates.

F. Strategic and Business Planning

The District Board shall work with the Fire Chief to develop Strategic and Business Planning processes that ensure the District remains financially viable while improving business and operational efficiencies and effectiveness.

G. Meeting Participation

District Board members shall attend regular, special, committee, or workshop meetings. The method of participation is discussion, deliberation, debate and voting. All members are expected to participate fully in deliberation and voting.

H. Board Members Decorum

Board members have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Board members should respect the dignity of their office and observe common standards of decorum to the extent possible.

I. Fire Chief Contract

The District Board shall appoint an Ad Hoc Committee to negotiate the Fire Chief's contract which will include salary, benefits and working conditions. The Fire Chief's negotiated contract is subject to the approval of the District Board. The Fire Chief's contract shall be reviewed annually in conjunction with his/her annual performance review.

J. Fire Chief Goals and Objectives

The District Board shall meet with the Fire Chief to establish and adopt organizational goals and objectives. This shall be completed prior to June 30 of each year or on a mutually agreed upon date.

K. Fire Chief Performance Review

The District Board shall provide the Fire Chief an annual performance review. The review should also evaluate the status of the previous year's goals and objectives and any performance issues identified and agreed upon by the District Board.

III. FIRE CHIEF

A. General Responsibilities

The Fire Chief shall be the administrative and operational Chief Executive Officer of the District under the direction and control of the District Board. The Fire Chief shall be responsible for the efficient effective administration of all the affairs of the District, which are under the Fire Chief's control. In addition to general powers as Chief Executive Officer, and not as a limitation thereon, the Fire Chief shall have the duties and powers set forth within this Policy.

B. Enforcement

It shall be the duty of the Fire Chief to enforce or cause to be enforced all ordinances, resolutions and other measures of the District and to see that all contracts, permits and privileges granted by the District Board are faithfully observed.

C. Authority Over Employees

The Fire Chief shall have the exclusive authority to manage, order and give directions to all employees of the District under the Fire Chief's jurisdiction.

D. Appointment and Removal of District Employees

The Fire Chief shall approve the appointment, removal, promotion or demotion of all District employees subject to all applicable labor contracts, personnel laws, rules and regulations.

E. District Employment Contracts

It shall be the duty of the Fire Chief to be responsible for the negotiation of all District fulltime represented and unrepresented employment contracts. When directed by the District Board, the Fire Chief may contract with a professional negotiator to assist with employment contract negotiations. The Fire Chief shall consult and confer with the District Board to determine acceptable parameters of all employment contract negotiations. The Fire Chief shall bring all permanent fulltime employment contracts to the District Board for ratification. Part-time, at-will contracts do not require Board approval if the positions have been approved and budgeted. After the District Board ratifies the contract, it shall be the duty of the Fire Chief to administer the contract and determine that its provisions are carried out.

F. District Service Contracts

It shall be the responsibility of the District Board to appoint standing committees or ad hoc committees to recruit and negotiate contracts with District Counsel, District Financial Auditors and Fire Chief Search Consultants. These negotiated service contracts require the approval of the District Board.

Unless otherwise directed by the District Board, it shall be the duty of the Fire Chief to negotiate all other contracts for services. The Fire Chief shall approve those contracts that fall under the limits outlined in the District Purchasing Ordinance. Contracts which exceed the Fire Chief's authority limit as outlined in the District's Purchasing Ordinance require District Board approval. After contracts have been approved by the Fire Chief or District Board, it shall be the duty of the Fire Chief to administer the contracts and determine that corresponding provisions are carried out. The Fire Chief shall report to the District Board on the performance of any service provider at the Board's request.

G. Administrative Reorganization

The Fire Chief shall evaluate and develop organizational structure recommendations for the District Board consideration to ensure the District's business is conducted in the most efficient, effective and economical manner.

H. Ordinances, Resolutions and Policies

It shall be the duty of the Fire Chief to recommend to the District Board for adoption such ordinances, resolutions and policies as deemed necessary. It

shall be the duty of the Fire Chief to develop ordinances, resolutions or policies when directed by the District Board.

I. Finance and Budget

It shall be the duty of the Fire Chief to work with the District Board Finance Committee for review and guidance on budgetary and financial proposals. The Fire Chief shall submit the proposed annual budget and other financial proposals to the District Board for adoption. It shall be the duty of the Fire Chief to keep the District Board Finance Committee and ultimately the District Board fully advised as to the financial condition and financial needs of the District.

J. Strategic and Business Planning

The Fire Chief shall work with the District Board to develop Strategic and Business Planning processes that ensure the District remains financially viable while improving business and operational efficiencies and effectiveness. It shall be the duty of the Fire Chief to drive the execution of the adopted Strategic Business Plan.

K. Public Affairs and Relations

The Fire Chief is responsible for day-to-day District public relations and marketing of the District. The Board may appoint a public spokesperson to address public policy, legal or District Board specific items that require press releases, press inquiry responses and/or public notifications.

L. District Board Notifications

It shall be the duty of the Fire Chief to notify the District Board of any significant event within the District or any event that could significantly impact the District as soon as operationally possible. The Fire Chief shall provide copies of all District press releases to all Board Members prior to release.

M. Purchasing and Expenditure Control

It shall be the duty of the Fire Chief to see that no expenditures shall be submitted or recommended to the District Board except on approval of the Fire Chief. The Fire Chief, or authorized representative, shall be responsible for the purchase of all supplies for the District.

N. Supervision of Public Property

It shall be the duty of the Fire Chief to exercise general supervision over all District property which is under the control and jurisdiction of the District.

O. Additional Duties

It shall be the duty of the Fire Chief to perform such other duties and exercise such other powers as may be delegated from time to time by ordinance or other official action of the District Board as allowable under law.

Approved at the Board Meeting on December 28, 2011

P. District Cooperation

It shall be the duty of the Fire Chief to strive to achieve the cooperation of all management employees of the District in assisting the Fire Chief in administering the affairs of the District efficiently, economically and harmoniously.

Q. Meeting Participation

It shall be the duty of the Fire Chief to attend all meetings of the District Board, unless excused by the Board President or by a vote of the District Board. With the exception of closed session meetings placed on the agenda to address the Fire Chief's performance and/or contract, the Fire Chief may attend any and all meetings of committees created by the District Board. At such meetings, the Fire Chief shall be heard as to all matters the Fire Chief wishes to address to the members thereof, and inform the members as to the status of the matter being considered by the District Board. The Fire Chief shall cooperate to the fullest extent with the members of committees appointed by the District Board.

R. Fire Chief Decorum

The Fire Chief must conduct him/herself in a manner that does not bring discredit to the District (on or off duty). The Fire Chief must act in an appropriate and respectful manner when interacting with staff, Board of Directors, the public, other public agencies and other elected officials.

Board of Directors (BOD)

225.1 PURPOSE AND SCOPE

To establish general guidelines for the roles and responsibilities of the Board of Directors as a group, and its members as individuals.

225.2 BOARD MEMBER TERMS

Board members are elected to four-year terms.

225.3 BASIS OF AUTHORITY

The legal authority for fire districts is derived from the Fire Protection District Law of 1987, found in the California Health & Safety Code.

225.4 BOARD MEMBERS

225.4.1 BASIS OF AUTHORITY

The legal authority for fire districts is derived from the Fire District Law of 1987, found in the California Health & Safety Code.

225.4.2 MEETINGS

- (a) Members of the Board of Directors should attend all regular and special meetings of the Board, if a Director will be absent, they should notify the Board President or designee as soon as possible.
- (b) Members of the Board of Directors shall receive \$200.00 for attending each District sanctioned meeting; including attendance at outside government agency meeting where a Board Member is an appointed representative to said agency; Board Meetings; Workshops; Study Sessions; Special meetings; and Committee meetings, including attendance at District staff committee meetings where the Board Member is an appointed representative to that committee. The number of meetings for which a member of the Board of Directors' may receive compensation shall not exceed four (4) meetings in a calendar month.
- (c) Any Director may call the Chief, no later than 5:00 p.m., seven business days prior to the meeting date, and request any item be placed on the agenda. This item will then be discussed unless a majority of the Board votes not to consider the item.
- (d) Members of the Board of Directors may participate in:
 - (a) Teleconference or videoconference meetings as long as permitted by the Ralph M. Brown Act.
 - i. Exception-teleconferencing and videoconferencing may not be used for closed sessions of the Board.
- (e) The Board shall comply with all provisions of the Ralph M. Brown Act.
- (f) Meeting procedures will be in accordance with [Rosenberg's Rules](#).

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Board of Directors (BOD)

- (g) Voting Practices or Voting Authority shall be:
1. 4 Affirmative Votes
 - i. Any transfer from, or expenditure of, the District's Rainy Day Committed Fund
 - ii. Expenditure of funds for investment purposes
 - iii. Passage of an urgency ordinance
 - iv. Discussion and action on an item not appearing on the posted agenda, when related to an emergency or disaster
 - v. Emergency exceptions to competitive bidding
 2. 3 Affirmative Votes
 - (a) Passage of an ordinance or resolution not requiring a super majority
 - (b) Transfer of reserve funds no longer required for the purpose for which intended, excluding the general reserve, balance sheet reserves.
 - (c) Designation or classification of funds received in excess of anticipated amounts
 - (d) Transfers or replenishment to the District's Rainy Day Committed Fund
 - (e) Any action resulting in the expenditure of funds
 3. Simple Majority of those present
 - i. Routine agenda items not specified above

225.4.3 BOARD EXPENSES

- (a) Members of the Board of Directors shall be reimbursed for all pre-approved.
- (b) Legitimate expenses incurred in attending meetings or in making any trips on official business of the Board when so authorized. Reimbursement amounts incurred while traveling on official District business, for conferences/classes, etc. are listed in the District's Travel and Reimbursement Policy 220.
- (c) The District will pay for Directors' expenses while attending functions in an official capacity, when authorized by the Board of Directors. If the functions involve travel, accommodation and/or registration fees, the Travel and Reimbursement policy 220 guidelines shall apply.
- (d) Directors may incur reasonable incidental expenses that are reimbursable with a receipt and directly related to District business.

225.5 BOARD OFFICERS

- (a) Officers shall serve a one-year term with elections held in December. Any vacancies in the Board officers shall result in a special election with the newly elected officer to fill the balance of the term in question. There is no assumed right of succession in Board officers.

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Board of Directors (BOD)

(b) President

1. The President of the Board of Directors shall serve as Chairperson at all Board meetings. The President has the same rights and responsibilities as any Director;
2. Serves as the public spokesperson for the Board of Directors unless delegated to another party or unavailable;
3. Conducts meetings in accordance with the Brown Act, and the parameters set forth in this document;
4. Enforces the agreed-to rules on the meeting process;
5. Reviews and approve the agenda with the Fire Chief prior to distribution;
6. Signs/executes Board actions.

(c) Vice President

1. In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board;
2. Has the same rights and responsibilities as any Director;
3. Conducts meetings in accordance with the Brown Act, and the parameters set forth in this document in the absence of the President.

(d) Secretary

- (a) In the absence of the President and Vice President of the Board of Directors, the Secretary will act as chairperson;
- (b) Has the same rights and responsibilities as any Director;
- (c) Conducts meetings in accordance with the Brown Act, and the parameters set forth in this document in the absence of the President and Vice President.

225.6 GENERAL DUTIES OF THE BOARD

- (a) Directors should thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- (b) Information that is exchanged before meetings shall be distributed through the Chief, and all Directors will receive all information being distributed.
- (c) Directors shall defer to the President for conduct of meetings of the Board, but shall be free to question items on the agenda. All comments should be confined to the matter being discussed by the Board.
- (d) Directors may request an inclusion for the minutes, brief comments pertinent to an agenda item, only at the meeting that the item is discussed (including, if desired, a position on abstention or dissenting vote).
- (e) Individual Directors by themselves have no independent authority. The voice of our citizens is derived from a majority of the Board of Directors. Individual Board members

Novato Fire Protection District

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Board of Directors (BOD)

may use their name and title without implying that their opinions represent the opinion of the entire Board or the Fire District when endorsing issues or candidates.

- (f) The Board will not endorse candidates nor non-fire district ballot measures.

225.7 ROLES AND RESPONSIBILITIES

225.7.1 THE BOARD

Roles and responsibilities include:

- (a) Representing interests of District residents.
- (b) Overseeing District financial management.
- (c) Hiring the Chief.
- (d) Assigning responsibility for policy implementation to the Chief.
- (e) Identifying issues to be addressed.
- (f) Defining critical issues.
- (g) Developing a Mission Statement, Vision Statement, goals, and measurable objectives and monitoring the same.
- (h) Providing guidance and approving a Strategic Plan to serve the District's Mission. Monitoring the status and progress of the Strategic Plan.
- (i) Acting as a steward of District property; preserving District assets.
- (j) Providing organizational direction and guidance.
- (k) Striving to see that District business is conducted in accordance with all applicable laws, statues, regulations and codes, etc.
- (l) Developing a list of qualifications, job description, and evaluation process for the Fire Chief.

225.7.2 BASIC RESPONSIBILITIES OF INDIVIDUAL DIRECTORS

- (a) To be familiar with the laws and policies governing the District.
- (b) To understand the nature of the fire service business.
- (c) To maintain regular attendance at Board meetings.
- (d) To support decisions made by the Board, even if there is individual disagreement with those decisions.
- (e) To refrain from involvement in the day-to-day operations of the District.
- (f) To actively participate in Board appointed committees.
- (g) To be familiar with District financing.
- (h) To be an ambassador of the District, accurately supporting District issues and concerns.
- (i) To practice open and timely communications

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Board of Directors (BOD)

225.8 COMMUNICATIONS BETWEEN INDIVIDUAL DIRECTORS AND STAFF

- (a) All significant requests of staff will be made at Board meetings, so that all Directors may have an opportunity to comment and revise the request.
- (b) Individual Directors may request clarification or ask questions of staff, but should channel the request through the Fire Chief. Simple and quick requests may go directly to staff (IT questions, confirming meeting times, etc.).
- (c) If a Director's request requires any of the following from District staff,
 - 1. More than four hours total staff time,
 - 2. Exceeds budgeted allotment, or
 - 3. If item is unbudgeted, the Chief will place the item on the next agenda.
 - 4. The Chief will review all agenda items with the Board President prior to distributing the agenda.
- (d) Directors will not use personal e-mail for conducting District business; or other forms of technology for individual or serial meetings.

225.9 COMMITTEES OF THE BOARD

- (a) The Board may create and maintain subcommittees for the purpose of investigating, reviewing and studying issues in order to make recommendations to the full Board of Directors.
- (b) The Committees will function under the authority of their charters for their purpose as defined by the Board of Directors.
- (c) Committee Selection
 - (a) Committee members will be determined by nomination and vote by the Board

225.10 CONFLICT OF INTEREST AND INCOMPATIBLE ACTIVITIES

- (a) Conflicts of Interest (Financial) - Political Reform Act of 1974 requires:
 - (a) Disclosure of reportable economic interests, conducted annually on Form 700 Statement of Economic Interests
 - (b) Disqualification from making or participating in a decision, or using official position to influence or attempt to influence a decision in which there is a conflict of interest as defined in the Political Act of 1974.
- (b) Conflicts of Interest (Contracts) - Government Code Section 1909, et seq. prohibit a public official from being financially interested in a contract or sale in both public and private capacities.

225.11 TRAINING

- (a) Mandated Training
 - (a) AB 1234 Ethics Training – every 2 years

Novato Fire Protection District

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Board of Directors (BOD)

- (b) Harassment Training – every 2 years
- (b) Suggested Training
 - (a) Brown Act and Rosenberg's Rules Training annually at January Board meeting
 - (b) Elected Officials Guide to Emergency Operations Center



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: Approve Staffing Plan to Hire Administrative Support and Finance Positions

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Consider approving the Interim General Manager’s Staffing Plan to directly hire part-time administrative support and finance positions.

Background

In May, the Interim General Manager was authorized to enter into an agreement with MV Cheng & Associates for accounting support services to facilitate: evaluation and implementation of internal controls, refining and/or establishing processes, daily accounting tasks, and reconciliation of District to County records. In June, the Interim General Manager was authorized to hire part-time administrative support through a temporary agency to assess long-term staffing or sourcing needs pursuant to *Expectations and Responsibilities of the Interim General Manager, No. 9*. Needs identified were items such as: performing complex administrative tasks; responding to telephone calls and emails; assisting with preparation of meeting agendas and minutes; and recording Board actions during meetings.

After assessing these needs during the past several months, it is clear these positions are required on a regular basis to keep up the pace of daily activities, District goals and long-term projects. Hiring these non-benefited positions directly rather than through contract or temporary agencies would result in more favorable hourly rates resulting in cost-savings to the District. The projected hours for administrative and accounting support are 5-10/week for each position with hourly rates of approximately \$30-\$40/hour and \$40-\$50/hour, respectively, with an annual estimate for these positions of \$35,000. If a student intern is hired (previously approved) that annual estimate is \$7,500. This will alleviate some of the tasks still completed by the Interim General Manager, potentially reducing the weekly hours which are regularly 30 hours/week. The combined annual estimate for all staffing with the GM working 20 hours or 30 hours/week is \$117,500 or \$169,500, respectively.

The hiring process will involve the following steps and take several months to complete:

- Finalizing position descriptions and job recruitment ads;
- Identifying appropriate websites to place recruitment advertising;
- Screening and interviewing applicants;
- Performing reference checks; and
- Making offers and securing start dates.

The pandemic has made remote work routine which is anticipated to change back to in-office work (at least some of the time) in the future; however, the District does not currently have office space which will be discussed later on the agenda.

Fiscal Impact

The annual estimate of \$169,500 will be included in the final Fiscal Year 2020-2021 Salaries and Wages budget and reduced if it is determined the GM hours can remain within 20 hours/week.



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: **PROPOSED AMENDMENT TO POLICY 8 CHECKING ACCOUNT
(FIRST READING) AND APPROVAL OF RESOLUTION 20-12**

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Staff recommends:

- Approval of proposed amendments to *Policy 8 Checking Account* and hold the first reading; and
- Adoption of Resolution 20-12 Authorizing the Temporary Increase of the Checking Account Limit to \$150,000.

Background

As mentioned in an earlier item, the normal flow of payments was altered due to the pandemic from a combination of checks written on the checking account and County transmittal to essentially all paid via transmittal submitted to the County. The timing of the Board Meeting during which these are approved combined with receipt of bills and due dates often do not coincide. This creates increased vendor questions and follow-up in tracking payments through the County process.

Earlier the Board considered authorizing the Interim General Manager to pay recurring bills and provide a report to the Board of Directors for ratification. This ability would facilitate better workflow and payments; however, in order to work most effectively, the current checking amount maximum of \$35,000 would need to be increased to cover recurring bills. In addition, the District has received the reimbursement from CalPERS California Employers' Retiree Benefit Trust (CERBT) in the amount of \$112,644.40 which under current policy would need to be deposited through the County then requested back each month through the replenishment process.

Increasing the maximum to \$200,000 through policy amendment would allow deposit of that reimbursement to be made each year and any others that may arise (grants,

etc.). Current internal controls would remain appropriate for prudent fiduciary management. Due to the policy amendment process requiring two meetings, a resolution authorizing a temporary increase of the checking account limit would facilitate deposit of the check while the amendment is in progress. In the event the policy amendment is not approved, this temporary increase would expire as identified in the resolution.

Fiscal Impact

The fiscal impact would be allowing more efficient payment of bills.

Attachments: Policy 8 Checking Account (redline and clean)
Resolution 20-12 Authorizing a Temporary Increase in the Checking
Account Limit to \$150,000

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

Policy Title and Number: 8 Checking Account

8.10 The District shall maintain a revolving fund checking account at a local bank. The balance in said account shall at no time exceed \$200,000. The General Manager or their designee shall request replenishment of this fund from the County through its accounts payable process.

8.20 Checks written on the account must be authorized by the KFPD budget. Two signatures are required on every check. Said signatures shall be those of the General Manager and/or the Directors on the Finance Committee.

8.30 Documentation such as receipts and/or invoices shall be maintained for the amount of each expenditure.

8.40 Voided checks shall be maintained in the District's files with the signature portion removed.

3566453.1

KENSINGTON FIRE PROTECTION DISTRICT POLICY MANUAL

Policy Title and Number: 8 Checking Account

8.10 The District shall maintain a revolving fund checking account at a local bank. The balance in said account shall at no time exceed \$~~35200~~,000. The [General Manager or their designee](#) shall request ~~for replenishment of this fund from~~ the County through its accounts payable process ~~to replenish the checking account in the amount of the checks written during the preceding month.~~

8.20 Checks written on the account must be authorized by the KFPD budget. Two signatures are required on every check. Said signatures shall be those of the [General](#) Manager and/or the Directors on the Finance Committee.

8.30 [Documentation such as \(rReceipts and/or, invoices\)](#) shall be maintained for the amount of each expenditure.

8.40 Voided checks shall be maintained in the District's files with the signature portion removed.

3566453.1

RESOLUTION 20-12

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE KENSINGTON FIRE PROTECTION DISTRICT AUTHORIZING A
TEMPORARY INCREASE IN THE CHECKING ACCOUNT LIMIT TO \$150,000**

WHEREAS, pursuant to the Kensington Fire Protection District's (District) Policy 8 Checking Account, the maximum amount allowed to be maintained in the checking account is \$35,000; and

WHEREAS, the COVID-19 Pandemic altered the normal flow of payments from a combination of checks written on the checking account and County transmittal, to essentially all paid via transmittal submitted to the County; and

WHEREAS, the timing of the Board Meeting during which these are approved combined with receipt of bills and due dates often do not coincide, thereby creating an inefficient payment process and excessive vendor payment inquiries; and

WHEREAS, the District received a reimbursement from CalPERS California Employers' Retiree Benefit Trust (CERBT) in the amount of \$112,644.40 which under current policy would be required to be deposited through the County then requested back each month through the replenishment process; and

WHEREAS, a temporary increase in the checking account limit would allow for deposit of this reimbursement;

NOW, THEREFORE, BE IT RESOLVED that the Kensington Fire Protection District hereby temporarily increases the checking account limit to \$150,000 through October 31, 2020 unless otherwise altered by policy amendment.

THE FOREGOING RESOLUTION WAS DULY ADOPTED by the Kensington Fire Protection District on Wednesday, the 12th day of August 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Stein, President

Laurence Nagel, Secretary



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: Public Safety Building Update and Decision Process for KPPCSD
Occupancy

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Consider and authorize the Interim General Manager to Provide the Decision Process to the KPPCSD.

Background

Over the last several months there has been a variety of activity on the Public Safety Building potential renovation:

- May 27, 2020 Board of Directors Special Meeting; KFPD established an agreement with RDC Architecture via Extra Service Request (ESR007) to provide a Board Workshop
- June 3, 2020 Board of Directors Special Meeting; RDC presented on the Public Safety Building Renovation; Board of Directors authorized the Interim General Manager to request RDC seek County evaluation of the Public Safety Building Renovation Option B
- June 10, 2020 Regular Meeting of the Board of Directors; Board of Directors authorized the Interim General Manager to devise cost-sharing arrangements with KPPCSD for the potential renovation and report back to the Board.
- June 26, 2020 Board of Directors Special Meeting: Board of Directors authorized the Interim General Manager to pay all costs associated with the County evaluation and invoice KPPCSD for 50% if needed to continue project.
- July 8, 2020 Board of Directors Regular Meeting; Interim General Manager seeking Board approval of the County evaluation cost estimate of \$27,146 (50/50 cost allocation to KFPD/KPPCSD) and provided project update.

- July 23, 2020 RDC met with County of Contra Costa for review of conceptual design and decision on elevator (meeting notes attached).
- July 31, 2020 RDC provided additional information and documents to the County as requested in the earlier meeting. RDC is currently awaiting for a response from the County.

During this time, the Interim General Managers for both KFPD and KPPCSD have been discussing the remaining road map and mutually agreed upon the following proposed decision process for KPPCSD occupancy in the renovated Public Safety Building:

1. Upon receipt of the final determination, RDC will present the County Evaluation results. *August 2020*
2. If those results show that KPPCSD occupancy is still possible, staff from KFPD and KPPCSD (Interim General Managers, Chiefs and others as deemed appropriate) will convene a meeting with the architect to review conceptual plans to make final adjustments that would accommodate the needs of both within the building and space limitations. *August 2020*
3. Once satisfactory space is agreed upon by staff, KFPD and KPPCSD will review the updated conceptual plan and financing in a public meeting for Board of Director consideration and public comment. *September 2020*
4. Next steps will be dependent upon what Board actions are taken; however, two identified scenarios are:
 - a. Both Boards agree on shared occupancy:
 - KPPCSD financing and future lease, construction design, bidding, and temporary space plans would proceed.
 - b. Both Boards do not agree on shared occupancy (KFPD only occupancy):
 - KFPD proceeds with construction design, bidding, and temporary space.

Fiscal Impact

There is no fiscal impact at this time.

Attachment: RDC/County Meeting Notes

Purpose of Meeting: To discuss elevator, deck enclosure and building valuation topics.

Participants:

	Don Dommer, Board Member, Board of Directors of the Kensington Fire Protection District		Christopher Deppe, Board Member President, Kensington Police Protection and Community Services
	Julie Stein, Board Member, Board of Directors of the Kensington Fire Protection District		Rachelle Sherris-Watt, Board Member Vice President, Kensington Police Protection and Community Services
	Larry Nagel, Board Member, Board of Directors of the Kensington Fire Protection District		Eileen Nottoli, Board Member Director, Kensington Police Protection and Community Services
	Janice Kosel, Board Member, Board of Directors of the Kensington Fire Protection District		Sylvia Hacaj, Board Member Director, Kensington Police Protection and Community Services
	Kevin Padian, Board Member, Board of Directors of the Kensington Fire Protection District		Cyrus Modavi, Director, Kensington Police Protection and Community Services
	Mary Morris-Mayorga, Interim General Manager, Kensington Fire Protection District		Bill Lindsay, Kensington General Manager Kensington Police Protection and Community Services
			Walt Schuld, Kensington Police Chief
	Manil Bajracharya, Principal, mack5	X	Mallory Cusenbery AIA, Design Principal, RossDrulisCusenbery
	Cynthia Madrid, Cost Estimator, mack5	X	Mark Zall AIA, Associate, RossDrulisCusenbery
			Melissa Burnside, Project Administrator, RossDrulisCusenbery-
	Visitors		Stephan DeJesse SE, Principal, IDA-Structural Engineers
X	Abed Chowdhury, Supervising Structural Engineer Contra Costa County Department of Conservation and Development	X	Jason Lee SE, Principal, IDA-Structural Engineers
X	Judi Kallerman, Principal Plan Checker Contra Costa County Department of Conservation and Development		Gary Waters CASp, Pacific Access Consulting

Meeting – Public Safety Building Discussion:

003.01 Background/Project overview

- a. RDC presented history of project, and how the sequence of events led to the current hardship circumstance that the Fire and Police Departments face in the existing facility
- b. RDC clarified that there are 4 major points that we are seeking further interpretation and clarification on:
 1. Is there an opportunity—within the bounds of the code—to avoid having to add elevator/lift to serve active-duty staff areas of the project?
 2. Is it acceptable to enclose exterior deck areas for use as interior space without violating the “no increase in building size” provision in the Alquist-Priolo seismic legislation?
 3. Is the team using the appropriate valuation methodology for establishing the “value of the building,” which in turn defines the project budget limit?

4. How does the County address cost contingencies such as property value changes, construction cost-overruns relative to the project cost budget.
- c. RDC clarified that there are additional topics that can be discussed as well, including confirmation of occupant load calculations

003.02 Discussion of exterior deck topic.

- a. One opinion offered was that the deck is not part of the building area, but once you enclose it, it becomes part of the building area, thus *not* allowed within the legislation.
- b. Counter-argument offered was that this area is currently used by the FD, and is part of the building, so converting its use from exterior program area to interior program area does not formally increase the building area.
- c. Agreement that the occupancy calculations are on track (with caveats as noted in item 003.02.f, below).
- d. Suggested that we should have Planning join this conversation.
- e. The County does not get a lot of Alquist Priolo-related requests, so this is new territory.
- f. One of the conditions of the Alquist Priolo act, one of the other criteria of not falling into the act, is that you cannot increase the occupancy load. RDC believes the current scheme does not increase the occupant load.
 1. Argument provided that the original deck should not be loaded in the calculations. RDC had included it in the "existing conditions" loading diagram. The County wants to double check this assumption.
- g. **ACTION ITEM:** Confer on this topic with Darwin Meyers, a geotechnical engineer at the County. He's the expert on this topic, and will provide input on this. [By CCC]
- h. **ACTION ITEM:** Provide summary documentation of assumptions in a package for use in above review [by RDC]

003.03 Cost estimating & building replacement cost valuation discussion.

- a. There is a trace of an active earthquake fault along the East/rear property line. Per Alquist-Priolo 2621.7.c the cost of the renovation of the building may not exceed 50% of the replacement cost to construct a building of the same size.
- b. Once you get the building permit, and a set replacement valuation, you're "good to go." Once the decision is made that construction is okay, the relative costs are not revisited. They will lock the cost at permitting. It is fixed at that time, they don't go back it.
- c. RDC presented the assumptions for valuation for clarification of our proposed valuation process.
- d. The current replacement cost valuation process assumes a building of the same size were built on this site.
 1. Assumes a start of Sept. 2021.
 2. Current cost estimate approach appears acceptable, but the County will want to review in detail to make sure that the cost line item numbers are reasonable.

- e. Discussion about getting concurrent cost estimates for validation/confirmation of the cost assumptions. Client should consider the use of concurrent estimates to validate the approach during permitting.
- f. Agreement that the general methodology is acceptable.
 - 1. We can proceed with this approach.
 - 2. **ACTION ITEM:** Submit the current replacement cost estimate for review to confirm that it has the appropriate level of detail for the County to approve the 50% cost limit on the project [by RDC]
 - 3. **ACTION ITEM:** Determine if the replacement cost estimate value is acceptable. This will allow the project to establish a working construction cost budget. [By CCC]

003.04 Elevator discussion.

- a. All fire stations have elevators, so there is built precedent—as well as code back-up—that elevators are needed in fire stations.
- b. RDC offered details on the analysis by the CASp, based on CBC Chapter 11b 202.4 exception 8, and the Chapter 2 definitions of “unreasonable hardship.”
- c. The second level has to be accessible as a “safe place,” so the sub-components still need to meet accessibility requirements.
 - 1. RDC clarified that the only exceptions that this project is pursuing is an exception for the elevator and wheelchair lift requirements. All other areas intended to meet accessibility codes.
 - 2. Observation made that one restroom may still be too small. **ACTION:** Verify that all the upstairs restrooms are compliant [by RDC].
- d. In order to get a determination of “unreasonable hardship” as defined by the CBC, we will need to submit written documentation of the factors supporting this claim. It was recommended that this be prepared by a CASp. Access up to the building from the back side should be added to the conversation.
- e. Building official question: are we confident the code requires an elevator?
 - 1. B Occ, up to 3000 sf you don't need one. Building official made the argument that there may not be a requirement.
 - (i) 11B, Section 202, addresses accessibility in alterations to existing buildings.
 - (ii) RDC confirmed our interpretation of the code, as well as the CASp's interpretation of the code, requires elevator access to the second floor .
- f. Problem with going with a unreasonable hardship route.
 - 1. If only the money, they can argue that we spend more to meet code.
 - 2. The 50% limitation has to be part of the hardship narrative. The limit on what can be spent is capped
 - 3. They do believe the project “has a leg to stand on,” but that the unreasonable hardship narrative must be clear and compelling.
- g. **ACTION ITEM:** Provide the CASp letter documenting hardship position, submit for review [by RDC]

003.05 There was also a discussion of structural topics. Clarification that because this is an existing building, the trigger of to use meet new code, dead load is 5%, lateral load is 10%.

- a. Plan checker: there is not trigger for the whole building to comply with the current code. We are not required to comply with the seismic requirements of the current code.
- b. The only time you are required to meet the current code is in an area of renovation the disturbs the structure, that particular area needs to be brought up to code.
- c. Question: if there are areas that we want to voluntarily upgrade, how do they handle this?
 1. The rule for voluntary seismic strengthening is that you just can't make the whole building worse.
 2. Voluntary seismic strengthening is allowed to use 75% of the current code values.

003.06 Next Steps

- a. **ACTION ITEM:** Distribute requested back-up drawings and narratives to County for review and internal distribution [by RDC]
- b. **ACTION ITEM:** County to distribute package internally, to relevant individuals, for review [By CCC]
- c. RDC to schedule follow-up meeting, adding County Planning, Mack 5 (cost estimating), and others as requested, to the invitee list.

End of Notes

Attachments: Meeting Package PDF (AGENDA and Supplemental Illustrations)



TO: Board of Directors
Kensington Fire Protection District

DATE: August 12, 2020

RE: Authorize Interim General Manager to Negotiate a Lease for Office Space

SUBMITTED BY: Mary A. Morris-Mayorga, Interim General Manager

Recommended Action

Consider authorizing the Interim General Manager to negotiate a lease for office space.

Background

With the transition of staff last year, administrative working space was eliminated in the Public Safety Building. Due to the pandemic and with an Interim General Manager this has been workable for the most part by utilizing remote work options; however, it is not ideal and would not be recommended for the future. As the District proceeds toward the Public Safety Building Renovation, it is recommended that office space be secured for administrative staff. In addition, it may be beneficial to share office space with KPPCSD to recognize cost-savings. This may be the case whether or not it is determined they would occupy space in the Public Safety Building as there would be some transition for that agency in either case.

Fiscal Impact

The annual estimate for leased office space is \$30,000 - \$35,000 would be included in the final Fiscal Year 2020-2021 Office Costs budget. If there is the option to include KPPCSD in utilization of the space, the cost would be offset by receipt of corresponding lease amount from KPPCSD.

President's Report

12 August 2020

Sunsetting of Temporary Advisory Committees

On the horizon: Review of the Emergency Preparedness Committee

SUNSETTING OF TEMPORARY ADVISORY COMMITTEES

From the California League of Cities Guide to the Brown Act (page 10):

[https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV_-A-Guide-to-the-Ralph-M-Brown-Act-\(.aspx](https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-Department/Publications/Open-Public-IV_-A-Guide-to-the-Ralph-M-Brown-Act-(.aspx)

- A temporary advisory committee composed solely of less than a quorum of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act. Temporary committees are sometimes called ad hoc committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.

The following Kensington Fire Protection District temporary advisory committees of the board, which were appointed by the President during a period in which the District had no staff, will be sunsetted now that the District has hired an Interim General Manager to oversee these functions and tasks, and reconstituted if necessary:

1. Anti-Harassment Policy (Kosel) Committee.

This committee was formed to work with legal counsel to produce an updated anti-harassment policy. A first draft has been produced. The interim general manager will manage future work between the board and legal counsel to finalize the policy.

2. Code of Conduct Committee (Kosel and Nagel) – sunset and possibly reconstitute with membership change due to the work load of one of the current members who also serves on other committees.

This committee was formed on a volunteer basis to update the district's code of conduct for directors. The committee produced a draft code of conduct. After review of the draft, the board requested more information prior to another reading. The interim general manager will manage future work with the board to finalize the policy. If the interim general manager prefers to have a committee to work with, a slight membership change may be needed with a reconstituted committee.

3. Information Technology Committee (Nagel and Stein).

This committee was formed to address urgent and time-sensitive IT upgrades and services, including:

- 1) identifying a vendor to service the District's IT needs after separating the District from the El Cerrito IT network. Nerd Crossing was hired to service the District's IT needs.
- 2) purchasing a new District computer with modern Windows and Adobe software, and virtual private network. A modern Windows-based system with Acrobat-Pro has been placed into service.
- 3) redirecting the District's IT network from El Cerrito's network to Comcast to allow for remote access to the District computer.

Item 5

4) upgrading District email service from “freeware” to a professional email platform. A Google-based email platform has been installed for use by all directors and an email migration project has been completed.

ON THE HORIZON: REVIEW OF THE EMERGENCY PREPAREDNESS COMMITTEE

It has been approximately one year since the KFPD board approved, appointed, and launched the Emergency Preparedness Committee, which is the first standing committee of the board to include residents in its composition. Presently, this standing committee consists of two board members and seven residents. A quorum is five members.

A best practice in public governance is to review new initiatives and a one-year performance period is reasonable. In this case, I would like to recommend for the Board as a governing body to take time, perhaps in September, to review the scope and level of resources that are allocated to or consumed by this new committee.

In particular, I view this as an essential step towards finalizing the level of effort assigned to the scope of work for the District’s general manager position. Oversight by the general manager position is critical to the work undertaken by this committee.

Kensington Fire Protection District
Action Plan for the Interim General Manager
Status as of August 12, 2020

Item 6.2

Goals	% Complete	Status/Milestones	Next Steps/Comments
1. Effect a complete, orderly, and prompt transition of services performed by the District's current administrative support contractor, including, but not limited to: conducting exit interviews, as needed, and ensuring the timely delivery from contractor of all District property and records.	100%	<ul style="list-style-type: none"> • KFPD resumed: agenda, web posting, noticing, administrative roles • RGS continuing finance, minutes until end of engagement • Collected District property/records • Received desk manual/procedures 	
2. Develop effective working relationships with the El Cerrito City Manager and Fire Chief, the General Manager and administrative staff of the Kensington Police Protection and Community Services District (KPPCSD), Supervisor Gioia, and County administrative staff as needed.	50% ongoing	<ul style="list-style-type: none"> • Bill Lindsay/KPPCSD-PSB, etc. • Fire Chief-fee sched, contract, etc. • County Department interactions 	<ul style="list-style-type: none"> • Continue outreach/familiarization
3. Prepare the budget for the FY 2020-21 Fiscal Year for the June 2020 board meeting, to include: analyzing the District's historic practices in developing annual budget; providing budget guideline policy recommendations; drafting a procedure for initiating annual budget development; liaising with the El Cerrito Fire Chief on the fire services fee proposal; and convening the Finance Committee.	95%	<ul style="list-style-type: none"> • Budget Guiding Principles • Budget Development Manual • Draft budget/narrative • Finance Committee presentation • Budget document printed/posted • Board presentation/approval 	<ul style="list-style-type: none"> • Finance Committee 8/2020 • Final budget adoption 9/2020
4. Oversee, coordinate, and administer all activities related to a potential renovation of the Public Safety Building, including, but not limited to: negotiating a short-term renewal of the current lease to KPPCSD; negotiating cost-sharing agreements with KPPCSD for a potential renovation; and establishing temporary facilities for the fire department and District administration.	50%	<ul style="list-style-type: none"> • KPPCSD lease extension • Reviewed project history • Cost allocations w/Finance Comm • Special Meeting 6/3/2020 • Bill Lindsay-decision/project plans • Regular BOD Updates • 1st County Evaluation Meeting 	<ul style="list-style-type: none"> • Final County Determination • Additional Meetings • Executive Summary of project evaluation process/actions
5. Analyze District needs for payments of bills and claims, including, but not limited to: drafting and implementing updates as needed to internal procedures for managing and making payments; internal controls; and procedures for purchasing and credit card usage.	50%	<ul style="list-style-type: none"> • Purchasing Procedure outline • Evaluating electronic payments • Accounting services agreement • Policy 130 amendment • Policy 1150 Amendment 	<ul style="list-style-type: none"> • Policy 8 Proposed Amendment • Evaluate and Implement Workflow • Purchasing Procedure final (public works projects)

Kensington Fire Protection District
Action Plan for the Interim General Manager
Status as of August 12, 2020

Item 6.2

Goals	% Complete	Status/Milestones	Next Steps/Comments
6. Serve as the primary administrative contact to the City of El Cerrito in matters of oversight, management, and compliance for the fire services contract between the District and El Cerrito.	30% ongoing	<ul style="list-style-type: none"> • Fire svc fee w/Finance Committee • Review agreement/history • Contract services discussions 	<ul style="list-style-type: none"> • Agreement abstract/summary • Develop contacts • Review contract for compliance
7. Serve as the primary administrative contact to the District's information technology (IT) service provider to ensure the completion of all current and recommended IT and office infrastructure projects.	40% ongoing	<ul style="list-style-type: none"> • Discussion with Nerd Crossing • Email migration project closeout • Business needs outline-laptop 	<ul style="list-style-type: none"> • Business Needs Assessment • IT Master Plan • Propose to Board of Directors
8. Analyze District participation and needs regarding the District's California Employers' Retiree Benefit Trust (CERBT) Fund. Prepare and implement a procedure for administration of legacy health benefits payments.	50%	<ul style="list-style-type: none"> • OPEB Actuary Proposals • Complete CalPERS documents • Request 2019-2020 Disbursement 	<ul style="list-style-type: none"> • Select/recommend actuary • OPEB Actuarial Valuation
9. Assess and make recommendations on cost-saving opportunities and the possible outsourcing of some District administrative functions or employment of additional staff or consultants as necessary.	80%	<ul style="list-style-type: none"> • Data gathering • Conceptual plan in progress • Student Intern, Admin Assistant, Accounting services • Staffing Plan 	<ul style="list-style-type: none"> • Complete evaluation • Recruitments, if approved
10. Develop a Long-Term Financial Plan which ensures sustainability for providing District services, including but not limited to: drafting a long-term plan policy; forecasting revenue and expenditures, using relevant inflation factors or other information; incorporating known or foreseeable changes in District operations; and presenting plan to the Finance Committee then Board of Directors for approval.	30%	<ul style="list-style-type: none"> • Policy in progress • Initial plan reviewed w/Finance Committee 	<ul style="list-style-type: none"> • Finalize ten-year plan • Complete proposed policy • Develop procedure for updates
11. Establish a Records Management Policy and Records Retention Schedule in accordance with the California Public Records Act (PRA), Government Code Section 12236 and recommended practices, including but not limited to: drafting a records management policy; developing a records retention schedule encompassing District records (specifically and/or by category); and providing public with the process for PRA requests.	50%	<ul style="list-style-type: none"> • Begin list of District records • PRA Request Templates 	<ul style="list-style-type: none"> • Evaluate current policy • Incorporate missing components • List of records by category

Kensington Fire Protection District
 Action Plan for the Interim General Manager
 Status as of August 12, 2020

Item 6.2

Goals	% Complete	Status/Milestones	Next Steps/Comments
12. Apply for or renew, as applicable, certifications recommended by local government best practices, including but not limited to: Special District Leadership Foundation (SDLF) District Transparency Certificate of Excellence; SDLF District of Distinction Accreditation; and others as identified.	40%	<ul style="list-style-type: none"> • Review application, list needs • Working w/County on Conflict of Interest Policy update • Updating website 	<ul style="list-style-type: none"> • Address items requiring development/update • Submit application
13. Produce a final report to the District board of directors assessing the status of District administration and recommendations for future revision of District administrative functions.	50%	<ul style="list-style-type: none"> • Action Plan to accompany report • Condition assessment • Policy Amendments • Administrative support procedures 	<ul style="list-style-type: none"> • Administrative Manual • Policy revisions (as warranted)



EL CERRITO-KENSINGTON FIRE DEPARTMENT

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www.el-cerrito.org



Item 7

DATE: August 4, 2020
TO: Kensington Fire Protection District Board Members
FROM: Michael Pigoni: Fire Chief
RE: **Fire Chief's Report for the August 2020 Fire District Board Meeting**

Run Reports

There were 31 calls for service that occurred during the month of July in the community of Kensington which is 1 less than the previous month. During this same time, Engine 165 responded to a total of 58 calls in all the El Cerrito/Kensington districts which is an increase of 9 incidents over the number of calls from last month. This increase was primarily due to the reports of smoke and mutual aid calls for possible vegetation fires in the park. The "Incident Log" included in the Board packets will provide more details on the dates, times, locations, and incident types for these calls.

Vegetation Management

We continue to receive phone calls with complaints from residents regarding neighborhood parcels that they feel are a fire hazard. The Fire Prevention Officer is responding to all of these requests and taking appropriate action. Many of the inquiries and complaints that are received are from residents and neighbors that feel certain vegetation is a fire hazard or that certain trees are a fire hazard. The District has an adopted Vegetation Management Policy that is patterned off the Cal Fire guidelines. Most complaints are based on certain plants and/or trees (juniper, eucalyptus, cypress) that many feel are a fire hazard but are not part of the policy. The Fire Department is not able to enforce abatement of trees or plants that do not meet the criteria.

Arson Fires

On the night of July 23, Engine 65 responded to a reported fire at the Mayfair project site in the 10600 block of San Pablo Avenue. This is a new 6 story apartment project next to the Del Norte BART Station. Upon arrival of the first fire units, the crews found multiple fires involving a debris box and a couple of portable toilets adjacent to the building. The fires were extinguished with no extension to the building. The fires appeared to have been intentionally set and upon reviewing security video at the scene, it was confirmed that they were set. The incident is under investigation and the developer has taken further measures to increase security at the site.

On Tuesday night, July 28, Engine 65 assisted with two more arson fires were reported in the 10500 and 10600 blocks of San Pablo Avenue. One of these fires was contained to a trash can in front of apartments and the second one was on a walkway on the side of a building and appeared to be a homeless camp. Both fires did not cause any structural damage and are being investigated by the El Cerrito PD.

Structure Fire

On Wednesday, July 29, the Fire Department responded to a structure fire in the 500 block of Everett Street. Upon arrival, crews found a single-story house with smoke coming from the garage. As they made entry, they found moderate fire in the garage and were able to extinguish it quickly. Other crews searched the house and attic for possible victims and extension of the fire into the house. The elderly residents had been able to exit the

house and were unharmed at the neighbor's house. Cause of the fire was isolated to a electrical plug box that was wired in behind a refrigerator. The electrical outlet appeared to have shorted out and spread to the refrigerator and other stored materials around the appliance. Damage was limited to the garage and the residents were relocated with family members until repairs can be made.

ISO Rating Evaluation

In 2014, the Fire Department was evaluated by the Insurance Services Office, Inc (ISO) to determine the fire suppression rating, otherwise known as our ISO rating. At that time, the Fire Department's rating was improved to an ISO rating of 2 (on a scale 1 to 10). I have been notified that ISO will reevaluate the Fire Department in the next few months. ISO provides statistical, actuarial, and underwriting information for the commercial and personal property/casualty insurance and risk management industries. The rating is based on staffing levels, equipment, water systems, training, prevention, and public education.

Corona Virus Update

The Corona Virus or COVID-19 pandemic continues to present challenges for the Fire Department. In July the Fire Department responded to a medical emergency for a victim in cardiac arrest. Upon arrival the crew was informed that the patient was COVID-19 positive. While they wore all their proper personal protective equipment, the County EMS considers CPR and the related ALS interventions as a high risk procedure and require the crew members to self-isolate for 14 days. The Department took proper precautions to decontaminate the engine, equipment and Station and the crew member were released to self-quarantine. Fortunately, all their tests came back negative and they are now back to work.

Register with the Contra Costa County Community Warning System

It cannot be stressed enough the importance to take a moment to register cell phones with the Contra Costa County Community Warning System (CWS). CWS will alert you when life-threatening incidents, like wildfire or power shutdowns, occur. www.cwsalerts.com